

ATTACHMENTS



FINANCE & POLICY COMMITTEE MEETING AGENDA

THURSDAY 11 FEBRUARY 2016

~ REFERENCE TO ATTACHMENTS ~

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COBAR SHIRE COUNCIL



Code of Conduct Policy

FILE: P5-8

Responsible Officer: General Manager

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PART 1 INTRODUCTION

This Model Code of Conduct for Local Councils in NSW (“the Model Code of Conduct”) is made for the purposes of section 440 of the *Local Government Act 1993* (“the Act”). Section 440 of the Act requires every council to adopt a code of conduct that incorporates the provisions of the Model Code. For the purposes of section 440 of the Act, the Model Code of Conduct comprises all parts of this document.

Cobar Shire Council has adopted the Model Code of Conduct as its Code of Conduct Policy.

Councillors, administrators, members of staff of council, independent conduct reviewers, members of council committees including the conduct review committee and delegates of the council must comply with the applicable provisions of council’s code of conduct in carrying out their functions as council officials. It is the personal responsibility of council officials to comply with the standards in the code and regularly review their personal circumstances with this in mind.

Failure by a councillor to comply with the standards of conduct prescribed under this code constitutes misconduct for the purposes of the Act. The Act provides for a range of penalties that may be imposed on councillors for misconduct, including suspension or disqualification from civic office.

Failure by a member of staff to comply with council’s code of conduct may give rise to disciplinary action.

A better conduct guide has also been developed to assist councils to review and enhance their codes of conduct. This guide supports this code and provides further information on the provisions in this code.

PART 2 PURPOSE OF THE CODE OF CONDUCT

The Model Code of Conduct sets the minimum requirements of conduct for council officials in carrying out their functions. The Model Code is prescribed by regulation.

The Model Code of Conduct has been developed to assist council officials to:

- understand the standards of conduct that are expected of them;
- enable them to fulfil their statutory duty to act honestly and exercise a reasonable degree of care and diligence (section 439);
- act in a way that enhances public confidence in the integrity of local government.

PART 3 GENERAL CONDUCT OBLIGATIONS

General Conduct

- 3.1 You must not conduct yourself in carrying out your functions in a manner that is likely to bring the council or holders of civic office into disrepute. Specifically, you must not act in a way that:
- a) contravenes the Act, associated regulations, council's relevant administrative requirements and policies;
 - b) is detrimental to the pursuit of the charter of a council ;
 - c) is improper or unethical;
 - d) is an abuse of power or otherwise amounts to misconduct;
 - e) causes, comprises or involves intimidation, harassment or verbal abuse;
 - f) causes, comprises or involves discrimination, disadvantage or adverse treatment in relation to employment;
 - g) causes, comprises or involves prejudice in the provision of a service to the community. (*Schedule 6A*)
- 3.2 You must act lawfully, honestly and exercise a reasonable degree of care and diligence in carrying out your functions under the Act or any other Act. (*section 439*)
- 3.3 You must treat others with respect at all times.

Fairness and equity

- 3.4 You must consider issues consistently, promptly and fairly. You must deal with matters in accordance with established procedures, in a non-discriminatory manner.
- 3.5 You must take all relevant facts known to you, or that you should be reasonably aware of, into consideration and have regard to the particular merits of each case. You must not take irrelevant matters or circumstances into consideration when making decisions.

Harassment and discrimination

- 3.6 You must not harass, discriminate against, or support others who harass and discriminate against colleagues or members of the public. This includes, but is not limited to harassment and discrimination on the grounds of sex, pregnancy, age, race, responsibilities as a carer, marital status, disability, homosexuality, transgender grounds or if a person has an infectious disease.

Development decisions

- 3.7 You must ensure that development decisions are properly made and that parties involved in the development process are dealt with fairly. You must avoid any occasion for suspicion of improper conduct in the development assessment process.
- 3.8 In determining development applications, you must ensure that no action, statement or communication between yourself and applicants or objectors

conveys any suggestion of willingness to provide improper concessions or preferential treatment.

Binding caucus votes

- 3.9 You must not participate in binding caucus votes in relation to matters to be considered at a council or committee meeting.
- 3.10 For the purposes of clause 3.9, a binding caucus vote is a process whereby a group of councillors are compelled by a threat of disciplinary or other adverse action to comply with a predetermined position on a matter before the council or committee irrespective of the personal views of individual members of the group on the merits of the matter before the council or committee.
- 3.11 Clause 3.9 does not prohibit councillors from discussing a matter before the council or committee prior to considering the matter in question at a council or committee meeting or from voluntarily holding a shared view with other councillors on the merits of a matter.
- 3.12 Clause 3.9 does not apply to a decision to elect the Mayor or Deputy Mayor or to nominate a person to be a member of a council committee.

PART 4 CONFLICT OF INTERESTS

- 4.1 A conflict of interests exists where a reasonable and informed person would perceive that you could be influenced by a private interest when carrying out your public duty.
- 4.2 You must avoid or appropriately manage any conflict of interests. The onus is on you to identify a conflict of interests and take the appropriate action to manage the conflict in favour of your public duty.
- 4.3 Any conflict of interests must be managed to uphold the probity of council decision-making. When considering whether or not you have a conflict of interests, it is always important to think about how others would view your situation.
- 4.4 Private interests can be of two types: pecuniary or non-pecuniary.

What is a pecuniary interest?

- 4.5 A pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person. (*section 442*)
- 4.6 A person will also be taken to have a pecuniary interest in a matter if that person's spouse or de facto partner or a relative of the person or a partner or employer of the person, or a company or other body of which the person, or a nominee, partner or employer of the person is a member, has a pecuniary interest

in the matter. (*section 443*)

- 4.7 Pecuniary interests are regulated by Chapter 14, Part 2 of the Act. The Act requires that:
- a) councillors and designated persons lodge an initial and an annual written disclosure of interests that could potentially be in conflict with their public or professional duties (*section 449*);
 - b) councillors and members of council committees disclose an interest and the nature of that interest at a meeting, leave the meeting and be out of sight of the meeting and not participate in discussions or voting on the matter (*section 451*);
 - c) designated persons immediately declare, in writing, any pecuniary interest. (*section 459*)
- 4.8 Designated persons are defined at section 441 of the Act, and include, but are not limited to, the general manager and other senior staff of the council.
- 4.9 Where you are a member of staff of council, other than a designated person (as defined by section 441), you must disclose in writing to your supervisor or the general manager, the nature of any pecuniary interest you have in a matter you are dealing with as soon as practicable.

What are non-pecuniary interests?

- 4.10 Non-pecuniary interests are private or personal interests the council official has that do not amount to a pecuniary interest as defined in the Act. These commonly arise out of family, or personal relationships, or involvement in sporting, social or other cultural groups and associations and may include an interest of a financial nature.
- 4.11 The political views of a councillor do not constitute a private interest.

Managing non-pecuniary conflict of interests

- 4.12 Where you have a non-pecuniary interest that conflicts with your public duty, you must disclose the interest fully and in writing, even if the conflict is not significant. You must do this as soon as practicable.
- 4.13 If a disclosure is made at a council or committee meeting, both the disclosure and the nature of the interest must be recorded in the minutes. This disclosure constitutes disclosure in writing for the purposes of clause 4.12.
- 4.14 How you manage a non-pecuniary conflict of interests will depend on whether or not it is significant.
- 4.15 As a general rule, a non-pecuniary conflict of interests will be significant where a matter does not raise a pecuniary interest but it involves:
- a) a relationship between a council official and another person that is particularly close, for example, parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child of the person or of the person's spouse, current or former spouse or partner, de facto or

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- other person living in the same household;
 - b) other relationships that are particularly close, such as friendships and business relationships. Closeness is defined by the nature of the friendship or business relationship, the frequency of contact and the duration of the friendship or relationship;
 - c) an affiliation between the council official and an organisation, sporting body, club, corporation or association that is particularly strong.
- 4.16 If you are a council official, other than a member of staff of council, and you have disclosed that a significant non-pecuniary conflict of interests exists, you must manage it in one of two ways:
- a) remove the source of the conflict, by relinquishing or divesting the interest that creates the conflict, or reallocating the conflicting duties to another council official;
 - b) have no involvement in the matter, by absenting yourself from and not taking part in any debate or voting on the issue as if the provisions in section 451(2) of the Act apply.
- 4.17 If you determine that a non-pecuniary conflict of interests is less than significant and does not require further action, you must provide an explanation of why you consider that the conflict does not require further action in the circumstances.
- 4.18 If you are a member of staff of council, the decision on which option should be taken to manage a non-pecuniary conflict of interests must be made in consultation with your manager.
- 4.19 Despite clause 4.16(b), a councillor who has disclosed that a significant non-pecuniary conflict of interests exists may participate in a decision to delegate council's decision-making role to council staff through the general manager, or appoint another person or body to make the decision in accordance with the law. This applies whether or not council would be deprived of a quorum if one or more councillors were to manage their conflict of interests by not voting on a matter in accordance with clause 4.16(b) above.

Reportable political donations

- 4.20 Councillors should note that matters before council involving political or campaign donors may give rise to a non-pecuniary conflict of interests.
- 4.21 Where a councillor has received or knowingly benefitted from a reportable political donation:
- a) made by a major political donor in the previous four years, and
 - b) where the major political donor has a matter before council,
- then the councillor must declare a non-pecuniary conflict of interests, disclose the nature of the interest, and manage the conflict of interests in accordance with clause 4.16(b).
- 4.22 For the purposes of this Part:
- a) a "reportable political donation" is a "reportable political donation" for the purposes of section 86 of the *Election Funding, Expenditure and*

Disclosures Act 1981,

- b) a “major political donor” is a “major political donor” for the purposes of section 84 of the *Election Funding, Expenditure and Disclosures Act 1981*.

4.23 Councillors should note that political donations below \$1,000, or political donations to a registered political party or group by which a councillor is endorsed, may still give rise to a non-pecuniary conflict of interests. Councillors should determine whether or not such conflicts are significant and take the appropriate action to manage them.

4.24 If a councillor has received or knowingly benefitted from a reportable political donation of the kind referred to in clause 4.21, that councillor is not prevented from participating in a decision to delegate council’s decision-making role to council staff through the general manager or appointing another person or body to make the decision in accordance with the law (see clause 4.19 above).

Loss of quorum as a result of compliance with this Part

4.25 Where a majority of councillors are precluded under this Part from consideration of a matter the council or committee must resolve to delegate consideration of the matter in question to another person.

4.26 Where a majority of councillors are precluded under this Part from consideration of a matter and the matter in question concerns the exercise of a function that may not be delegated under section 377 of the Act, the councillors may apply in writing to the Chief Executive to be exempted from complying with a requirement under this Part relating to the management of a non-pecuniary conflict of interests.

4.27 The Chief Executive will only exempt a councillor from complying with a requirement under this Part where:

- a) compliance by councillors with a requirement under the Part in relation to a matter will result in the loss of a quorum, and
- b) the matter relates to the exercise of a function of the council that may not be delegated under section 377 of the Act.

4.28 Where the Chief Executive exempts a councillor from complying with a requirement under this Part, the councillor must still disclose any interests they have in the matter the exemption applies to in accordance with the requirements of this Part.

4.29 A councillor, who would otherwise be precluded from participating in the consideration of a matter under this Part because they have a non-pecuniary conflict of interests in the matter, is permitted to participate in consideration of the matter, if:

- a) the matter is a proposal relating to
 - i) the making of a principal environmental planning instrument applying to the whole or a significant part of the council’s area, or

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- ii) the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant part of the council's area, and
 - b) the councillor declares any interest they have in the matter that would otherwise have precluded their participation in consideration of the matter under this Part.
 - c) the councillor declares the interest they have in the matter that would otherwise have precluded their participation in consideration of the matter under this Part.

Other business or employment

4.30 If you are a member of staff of council considering outside employment or contract work that relates to the business of the council or that might conflict with your council duties, you must notify and seek the approval of the general manager in writing. (*section 353*)

4.31 As a member of staff, you must ensure that any outside employment or business you engage in will not:

- a) conflict with your official duties;
- b) involve using confidential information or council resources obtained through your work with the council;
- c) require you to work while on council duty;
- d) discredit or disadvantage the council.

Personal dealings with council

4.32 You may have reason to deal with your council in your personal capacity (for example, as a ratepayer, recipient of a council service or applicant for a consent granted by council). You must not expect or request preferential treatment in relation to any matter in which you have a private interest because of your position. You must avoid any action that could lead members of the public to believe that you are seeking preferential treatment.

PART 5 PERSONAL BENEFIT

For the purposes of this section, a reference to a gift or benefit does not include a political donation or contribution to an election fund that is subject to the provisions of the relevant election funding legislation.

Gifts and benefits

5.1 You must avoid situations giving rise to the appearance that a person or body, through the provision of gifts, benefits or hospitality of any kind, is attempting to secure favourable treatment from you or from the council.

5.2 You must take all reasonable steps to ensure that your immediate family members do not receive gifts or benefits that give rise to the appearance of being an attempt to secure favourable treatment. Immediate family members ordinarily include parents, spouses, children and siblings.

Token gifts and benefits

5.3 Generally speaking, token gifts and benefits include:

- a) free or subsidised meals, beverages or refreshments provided in conjunction with:
 - i) the discussion of official business;
 - ii) council work related events such as training, education sessions, workshops;
 - iii) conferences;
 - iv) council functions or events;
 - v) social functions organised by groups, such as council committees and community organizations;
- b) invitations to and attendance at local social, cultural or sporting events ;
- c) gifts of single bottles of reasonably priced alcohol to individual council officials at end of year functions, public occasions or in recognition of work done (such as providing a lecture/training session/address);
- d) ties, scarves, coasters, tie pins, diaries, chocolates or flowers;
- e) prizes of token value.

Gifts and benefits of value

5.4 Notwithstanding clause 5.3, gifts and benefits that have more than a token value include, but are not limited to, tickets to major sporting events (such as state or international cricket matches or matches in other national sporting codes (including the NRL, AFL, FFA, NBL)), corporate hospitality at a corporate facility at major sporting events, discounted products for personal use, the frequent use of facilities such as gyms, use of holiday homes, free or discounted travel.

How are offers of gifts and benefits to be dealt with?

5.5 You must not:

- a) seek or accept a bribe or other improper inducement;
- b) seek gifts or benefits of any kind;
- c) accept any gift or benefit that may create a sense of obligation on your part or may be perceived to be intended or likely to influence you in carrying out your public duty;
- d) accept any gift or benefit of more than token value;
- e) accept an offer of cash or a cash-like gift, regardless of the amount.

5.6 For the purposes of clause 5.5(e), a “cash-like gift” includes but is not limited to gift vouchers, credit cards, debit cards with credit on them, prepayments such as phone or internal credit, memberships or entitlements to discounts.

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- 5.7 Where you receive a gift or benefit of more than token value that cannot reasonably be refused or returned, this must be disclosed promptly to your supervisor, the Mayor or the general manager. The recipient, supervisor, Mayor or general manager must ensure that any gifts or benefits of more than token value that are received are recorded in a Gifts Register. The gift or benefit must be surrendered to council, unless the nature of the gift or benefit makes this impractical.

Improper and undue influence

- 5.8 You must not use your position to influence other council officials in the performance of their public or professional duties to obtain a private benefit for yourself or for somebody else. A councillor will not be in breach of this clause where they seek to influence other council officials through the appropriate exercise of their representative functions.
- 5.9 You must not take advantage (or seek to take advantage) of your status or position with or of functions you perform for council in order to obtain a private benefit for yourself or for any other person or body.

PART 6 RELATIONSHIP BETWEEN COUNCIL OFFICIALS

Obligations of councillors and administrators

- 6.1 Each council is a body politic. The councillors or administrator/s are the governing body of the council. The governing body has the responsibility of directing and controlling the affairs of the council in accordance with the Act and is responsible for policy determinations, for example, those relating to workforce policy.
- 6.2 Councillors or administrators must not:
- a) direct council staff other than by giving appropriate direction to the general manager in the performance of council's functions by way of council or committee resolution, or by the Mayor or administrator exercising their power under section 226 of the Act (*section 352*);
 - b) in any public or private forum, direct or influence or attempt to direct or influence, any other member of the staff of the council or a delegate of the council in the exercise of the functions of the member or delegate (*Schedule 6A of the Act*);
 - c) contact a member of the staff of the council on council related business unless in accordance with the policy and procedures governing the interaction of councillors and council staff that have been authorised by the council and the general manager;
 - d) contact or issue instructions to any of council's contractors or tenderers, including council's legal advisers, unless by the Mayor or administrator exercising their power under section 226 of the Act. This does not apply to council's external auditors or the Chair of council's audit committee who may be provided with any information by individual councillors reasonably necessary for the external auditor or

audit committee to effectively perform their functions.

Obligations of staff

- 6.3 The general manager is responsible for the efficient and effective operation of the council's organisation and for ensuring the implementation of the decisions of the council without delay.
- 6.4 Members of staff of council must:
- a) give their attention to the business of council while on duty;
 - b) ensure that their work is carried out efficiently, economically and effectively;
 - c) carry out lawful directions given by any person having authority to give such directions;
 - d) give effect to the lawful decisions, policies, and procedures of the council, whether or not the staff member agrees with or approves of them;
 - e) ensure that any participation in political activities outside the service of the council does not conflict with the performance of their official duties.

Obligations during meetings

- 6.5 You must act in accordance with council's Code of Meeting Practice, if council has adopted one, and the *Local Government (General) Regulation 2005* during council and committee meetings.
- 6.6 You must show respect to the chair, other council officials and any members of the public present during council and committee meetings or other formal proceedings of the council.

Inappropriate interactions

- 6.7 You must not engage in any of the following inappropriate interactions:
- a) Councillors and administrators approaching staff and staff organisations to discuss individual or operational staff matters other than broader workforce policy issues.
 - b) Council staff approaching councillors and administrators to discuss individual or operational staff matters other than broader workforce policy issues.
 - c) Council staff refusing to give information that is available to other councillors to a particular councillor.
 - d) Councillors and administrators who have lodged a development application with council, discussing the matter with council staff in staff-only areas of the council.
 - e) Councillors and administrators being overbearing or threatening to council staff.
 - f) Councillors and administrators making personal attacks on council staff in a public forum.
 - g) Councillors and administrators directing or pressuring council staff in the performance of their work, or recommendations they should make.
 - h) Council staff providing ad hoc advice to councillors and administrators without recording or documenting the interaction as they would if the

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- advice was provided to a member of the community.
- i) Council staff meeting with applicants or objectors alone AND outside office hours to discuss applications or proposals.
 - j) Councillors attending on-site inspection meetings with lawyers and/or consultants engaged by council associated with current or proposed legal proceedings unless permitted to do so by council's general manager or, in the case of the Mayor or administrator, exercising their power under section 226 of the Act.

PART 7 ACCESS TO INFORMATION AND COUNCIL RESOURCES

Councillor and administrator access to information

- 7.1 The general manager and public officer are responsible for ensuring that members of the public, councillors and administrators can gain access to the documents available under the *Government Information (Public Access) Act 2009*.
- 7.2 The general manager must provide councillors and administrators with information sufficient to enable them to carry out their civic office functions.
- 7.3 Members of staff of council must provide full and timely information to councillors and administrators sufficient to enable them to carry out their civic office functions and in accordance with council procedures.
- 7.4 Members of staff of council who provide any information to a particular councillor in the performance of their civic duties must also make it available to any other councillor who requests it and in accordance with council procedures.
- 7.5 Councillors and administrators who have a private (as distinct from civic) interest in a document of council have the same rights of access as any member of the public.

Councillors and administrators to properly examine and consider information

- 7.6 Councillors and administrators must properly examine and consider all the information provided to them relating to matters that they are dealing with to enable them to make a decision on the matter in accordance with council's charter.

Refusal of access to documents

- 7.7 Where the general manager and public officer determine to refuse access to a document sought by a councillor or administrator they must act reasonably. In reaching this decision they must take into account whether or not the document sought is required for the councillor or administrator to perform their civic duty (see clause 7.2). The general manager or public officer must state the reasons for the decision if access is refused.

Use of certain council information

- 7.8 In regard to information obtained in your capacity as a council official, you must:
- a) only access council information needed for council business;
 - b) not use that council information for private purposes;
 - c) not seek or obtain, either directly or indirectly, any financial benefit or other improper advantage for yourself, or any other person or body, from any information to which you have by virtue of your office or position with council;
 - d) only release council information in accordance with established council policies and procedures and in compliance with relevant legislation.

Use and security of confidential information

- 7.9 You must maintain the integrity and security of confidential documents or information in your possession, or for which you are responsible.
- 7.10 In addition to your general obligations relating to the use of council information, you must:
- a) protect confidential information;
 - b) only release confidential information if you have authority to do so;
 - c) only use confidential information for the purpose it is intended to be used;
 - d) not use confidential information gained through your official position for the purpose of securing a private benefit for yourself or for any other person;
 - e) not use confidential information with the intention to cause harm or detriment to your council or any other person or body;
 - f) not disclose any information discussed during a confidential session of a council meeting.

Personal information

- 7.11 When dealing with personal information you must comply with:
- a) *the Privacy and Personal Information Protection Act 1998;*
 - b) *the Health Records and Information Privacy Act 2002;*
 - c) the Information Protection Principles and Health Privacy Principles;
 - d) council's privacy management plan;
 - e) the Privacy Code of Practice for Local Government.

Use of council resources

- 7.12 You must use council resources ethically, effectively, efficiently and carefully in the course of your official duties, and must not use them for private purposes (except when supplied as part of a contract of employment) unless this use is lawfully authorised and proper payment is made where appropriate.
- 7.13 Union delegates and consultative committee members may have reasonable access to council resources for the purposes of carrying out their industrial responsibilities, including but not limited to:

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- a) the representation of members with respect to disciplinary matters;
 - b) the representation of employees with respect to grievances and disputes;
 - c) functions associated with the role of the local consultative committee.

7.14 You must be scrupulous in your use of council property, including intellectual property, official services and facilities, and must not permit their misuse by any other person or body.

7.15 You must avoid any action or situation that could create the appearance that council property, official services or public facilities are being improperly used for your benefit or the benefit of any other person or body.

7.16 You must not use council resources, property or facilities for the purpose of assisting your election campaign or the election campaign of others unless the resources, property or facilities are otherwise available for use or hire by the public and any publicly advertised fee is paid for use of the resources, property or facility.

7.17 You must not use council letterhead, council crests and other information that could give the appearance it is official council material for:

- a) the purpose of assisting your election campaign or the election campaign of others, or
- b) for other non-official purposes.

7.18 You must not convert any property of the council to your own use unless properly authorised.

7.19 You must not use council's computer resources to search for, access, download or communicate any material of an offensive, obscene, pornographic, threatening, abusive or defamatory nature.

Councillor access to council buildings

7.20 Councillors and administrators are entitled to have access to the council chamber, committee room, mayor's office (subject to availability), councillors' rooms, and public areas of council's buildings during normal business hours and for meetings. Councillors and administrators needing access to these facilities at other times must obtain authority from the general manager.

7.21 Councillors and administrators must not enter staff-only areas of council buildings without the approval of the general manager (or delegate) or as provided in the procedures governing the interaction of councillors and council staff.

7.22 Councillors and administrators must ensure that when they are within a staff area they avoid giving rise to the appearance that they may improperly influence council staff decisions.

PART 8 MAINTAINING THE INTEGRITY OF THIS CODE

8.1 You must not conduct yourself in a manner that is likely to undermine confidence in the integrity of this code or its administration.

Complaints made for an improper purpose

8.2 You must not make a complaint or cause a complaint to be made under this code for an improper purpose.

8.3 For the purposes of clause 8.2, a complaint is made for an improper purpose where it is trivial, frivolous, vexatious or not made in good faith, or where it otherwise lacks merit and has been made substantially for one or more of the following purposes:

- a) to intimidate or harass another council official;
- b) to damage another council official's reputation;
- c) to obtain a political advantage;
- d) to influence a council official in the exercise of their official functions or to prevent or disrupt the exercise of those functions;
- e) to influence the council in the exercise of its functions or to prevent or disrupt the exercise of those functions;
- f) to avoid disciplinary action under this code;
- g) to take reprisal action against a person for making a complaint under this code except as may be otherwise specifically permitted under this code;
- h) to take reprisal action against a person for exercising a function prescribed under the procedures for the administration of this code except as may be otherwise specifically permitted under this code;
- i) to prevent or disrupt the effective administration of this code.

Detrimental action

8.4 You must not take detrimental action or cause detrimental action to be taken against a person substantially in reprisal for a complaint they have made under this code except as may be otherwise specifically permitted under this code.

8.5 You must not take detrimental action or cause detrimental action to be taken against a person substantially in reprisal for any function they have exercised under this code except as may be otherwise specifically permitted under this code.

8.6 For the purposes of clauses 8.4 and 8.5 detrimental action is an action causing, comprising or involving any of the following:

- a) injury, damage or loss;
- b) intimidation or harassment;
- c) discrimination, disadvantage or adverse treatment in relation to employment;
- d) dismissal from, or prejudice in, employment;
- e) disciplinary proceedings.

Compliance with requirements under this code

- 8.7 You must not engage in conduct that is calculated to impede or disrupt the consideration of a matter under this code.
- 8.8 You must comply with a reasonable and lawful request made by a person exercising a function under this code.
- 8.9 You must comply with a practice ruling made by the Division of Local Government.
- 8.10 Where you are a councillor or the general manager, you must comply with any council resolution requiring you to take action as a result of a breach of this code.

Disclosure of information about the consideration of a matter under this code

- 8.11 You must report breaches of this code in accordance with the reporting requirements under this code.
- 8.12 You must not make allegations of suspected breaches of this code at council meetings or in other public forums.
- 8.13 You must not disclose information about the consideration of a matter under this code except for the purposes of seeking legal advice unless the disclosure is otherwise permitted under this code.

Complaints alleging a breach of this part

- 8.14 Complaints alleging a breach of this Part (Part 8) by a councillor, the general manager or an administrator are to be made to the Division of Local Government.
- 8.15 Complaints alleging a breach of this Part by other council officials are to be made to the general manager.

PART 9 DEFINITIONS

In the Model Code of Conduct the following definitions apply:

the Act	the <i>Local Government Act 1993</i>
act of disorder	see the definition in clause 256 of the Local Government (General) Regulation 2005
administrator	an administrator of a council appointed under the Act other than an administrator appointed under section 66
Chief Executive	Chief Executive of the Division of Local Government, Department of Premier and Cabinet
committee	a council committee
conflict of interests	a conflict of interests exists where a reasonable and informed person would perceive that you could be influenced by a private interest when carrying out your public duty
council committee	a committee established by resolution of council
“council committee member”	a person other than a councillor or member of staff of a council who is a member of a council committee
council official	includes councillors, members of staff of council, administrators, council committee members, conduct reviewers and delegates of council
councillor	a person elected or appointed to civic office and includes a Mayor
delegate of council	a person (other than a councillor or member of staff of a council) or body, and the individual members of that body, to whom a function of the council is delegated
designated person	see the definition in section 441 of the Act
election campaign	includes council, State and Federal election campaigns
personal information	information or an opinion about a person whose identity is apparent, or can be ascertained from the information or opinion
the Regulation	the Local Government (General) Regulation 2005

The term “you” used in the Model Code of Conduct refers to council officials. The phrase “this code” used in the Model Code of Conduct refers also to the procedures for the administration of the Model Code of Conduct prescribed under the Local Government (General) Regulation 2005.

CODE OF CONDUCT.

Amendment List

No.	Date Adopted	Minute No.	Date Commenced	Notified in Local Paper
1	28 April 2005	90.4.2005	29 April 2005	NA
2	24 July 2008	24.7.2008	25 July 2008	NA
3	28 February 2013	3.02.2013	1 March 2013	NA
4				



Circular Details	15-41 / 17 December 2015 / A446439
Previous Circular	
Who should read this	Councillors / General Managers / Complaints Coordinators
Contact	Council Governance Team / 4428 4100
Action required	Information

Commencement of the Local Government Amendment (Councillor Misconduct and Poor Performance Act) 2015

What's new or changing

- Amendments to the *Local Government Act 1993* made by the *Local Government Amendment (Councillor Misconduct and Poor Performance) Act 2015* commenced on **13 November 2015**.

What this will mean for your Council

Councillors and General Managers must note the following:

- As of the commencement date, Councillors who have previously been suspended on two or more occasions will be automatically disqualified from holding office in a Council for 5 years if they are suspended on a further occasion. The Office has written directly to Councillors who have been suspended on two or more occasions to inform them of this change.
- The definition of "misconduct" has been expanded to include acts or omissions by Councillors that are intended to prevent the proper or effective functioning of a council or a committee of a Council (e.g. by disrupting decision making). Penalties for Councillor misconduct include suspension and disqualification from holding office.
- Councillors will no longer be permitted to participate in the consideration of the making, amendment, alteration or repeal of an environmental planning instrument applying to the whole or a significant part of their local government area they have pecuniary interests in unless:
 - the only interests affected by the changes are the interests they or their relatives have in their principal places of residence; **and**
 - they have made a special disclosure of the affected interests.
- This amendment is complemented by an amendment to clause 4.29 of the *Model Code of Conduct for Local Councils in NSW* which also commenced on 13 November 2015. The amendment will mean that councillors with significant non-pecuniary conflicts of interests in the making, amendment, alteration or repeal of an environmental planning instrument applying to the whole or a significant part of their local government area will no longer be permitted to participate in consideration of those matters unless:

- the only interests affected by the changes relate to the interest a person (e.g. a close friend or affiliate of a Councillor) has in their principal place of residence; and
- the Councillor has disclosed the affected interests.

Complaints coordinators must note the following:

- Councils must amend their adopted codes of conduct as soon as possible to reflect the amendment to clause 4.29 referred to above. The amended Model Code of Conduct is available on the Office of Local Government's website at www.olg.nsw.gov.au.
- Notice is no longer required of a motion to censure a Councillor for misconduct under section 440G. Under the *Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW*, Councils can only formally censure a Councillor for misconduct where this is recommended in a report by an independent investigator. This will be reported to the Council under cover of a staff report by a Council's complaints coordinator.

Other key changes

- The amendments are also designed to:
 - ensure a faster but fair investigation process for Councillor misconduct;
 - remove impediments to effective action in response to serious corrupt conduct;
 - maximise the effectiveness of Performance Improvement Orders issued by the Minister for Local Government to a Council; and
 - more effectively address Council maladministration.

Where to go for further information

- For more information on the amendments to the Act, see the attachment to this Circular.
- An updated version of the *Model Code of Conduct for Local Councils in NSW* has been published on the Office of Local Government's website at www.olg.nsw.gov.au.
- Contact the Office's Council Governance Team on 4428 4100.

Tim Hurst
Acting Chief Executive
Office of Local Government

3
ATTACHMENT

The amendments to the *Local Government Act 1993* referred to in this Circular are designed to:

More effectively deter and address Councillor misconduct by:

- providing for the automatic disqualification of a Councillor from holding civic office for a period of 5 years where they have been suspended for misconduct on a third occasion;
- expanding the definition of “misconduct” in the Act to include conduct that is intended to prevent the proper or effective functioning of a Council (i.e. through the disruption of Council and Committee meetings).

Streamline the process for dealing with Councillor misconduct to ensure faster but fair outcomes by:

- removing the requirement for notice to be given of a motion at a Council meeting to formally censure a Councillor in recognition that Councils may now only do so on the recommendation of an independent investigator following a formal investigation process;
- removing the mandatory requirement for the Chief Executive of the Office of Local Government to undertake an investigation as a prerequisite to taking disciplinary action for misconduct where the conduct has previously been investigated under a Council’s code of conduct and for minor misconduct that requires only a reprimand or counselling, and removing rights of appeal in relation to reprimand and counselling;
- providing that prior to taking disciplinary action against a Councillor, the Chief Executive is to give the Councillor at least 14 days’ notice of his or her intention to take disciplinary action, including the disciplinary action that is proposed to be taken and the grounds upon which the proposed disciplinary action is to be taken and to consider any submissions made by the Councillor in relation to the notice;
- expanding the class of persons the Chief Executive may direct to provide written information or a document for the purposes of investigating Councillor misconduct to “any person” but excluding privileged information or documents without the person’s consent.

Promote community confidence in Council planning decisions by:

- amending the provision in the Act that allows Councillors to participate in the consideration of changes to a planning instrument applying to the whole or a significant part of a Council’s area they have pecuniary interests in by limiting its application to the interests Councillors have in their and related persons’ principal places of residence, thereby preventing participation in consideration of such matters by Councillors with other property interests.

Remove impediments to effective action in response to serious corrupt conduct by:

- providing that a former Councillor may be disqualified from holding civic office for serious corrupt conduct;
- providing that where the Minister, on a recommendation by the ICAC, suspends a Councillor from civic office for serious corrupt conduct and the Councillor brings legal proceedings to challenge the ICAC’s recommendation, the suspension will continue until the proceedings are concluded and for six months

afterwards to allow time to arrange for their dismissal and disqualification should this be warranted;

Maximise the effectiveness of Performance Improvement Orders issued by the Minister to a Council by:

- reducing the minimum consultation period for a notice of intention to issue a Performance Improvement Order from 21 to 7 days;
- providing that a Council may be required to provide more than one compliance report on its compliance with a Performance Improvement Order, allowing the Minister to vary the terms of an Order on giving 7 days' notice, and allowing other intervention action while the Order is in force;
- deterring non-compliance by individual Councillors with a requirement under a Performance Improvement Order by:
 - empowering the Minister, where he or she is satisfied that a Councillor has failed to comply with such a requirement, to effectively suspend the Councillor until they have complied with the requirement or for a period of up to 3 months (with a possible extension of a further 3 months) (whichever is the lesser); and
 - allow the Minister to request the Chief Executive to refer non-compliance to the NSW Civil and Administrative Tribunal for disciplinary action.

More effectively address Council maladministration by:

- reducing the time in which a Council is required to respond to recommendations made by the Chief Executive arising from the investigation of a council from 40 to 28 days.



21 DEC 2015

Ref: Western RWC

16 December 2015

Mr Gary Woodman
General Manager
Cobar Shire Council
PO Box 223
COBAR NSW 2835

Dear Mr Woodman,

Western Regional Weed Committee – Call for nominations

I would like to inform you that Local Land Services Western Region is establishing a new Regional Weeds Committee and invite you to nominate a candidate and alternate for this committee.

We are establishing the committee in response to the New South Wales Government's acceptance of recommendations from the Natural Resources Commission's 2014 "Review of Weed Management in NSW". I have attached a list of supported recommendations for your reference. A key outcome from these reforms is to replace the existing 14 Regional Weed Advisory Groups with 11 Regional Weed Committees (RWC) based on Local Land Services' Regions.

The Western RWC will be based on the Regional Weed Committee Model Terms of Reference which I have also attached for your information and reference.

As local government has a key role in weed control within the western region, we believe that it is important that it should be represented on this committee.

The initial task of the new Western RWC will be to develop and prepare a new Regional Weeds Strategy.

It is important to note the new strategy will be binding on both public and private land owners (tenure neutral) and will set out enforceable weed management obligations for all landowners.

Local Land Services Western Region will also be seeking to supplement the key stakeholder group representation via additional rural industry representation which will be determined via a targeted Expression of Interest and selection process.

Due to the level of decision making that will be required on the Western RWC, Local Land Services Western Region is seeking nominations of representatives with an appropriate level of seniority and with a sound background in policy, resource implications and with the capacity to develop land and weed management programs to enable the objectives of the RWC to be achieved.

Handwritten notes and stamps including 'NI-1', '93999', and 'AM' with checkmarks.

Western Local Land Services aims to have the Western RWC established for an inaugural meeting in February 2016.

I therefore invite your shire to nominate your candidates for the new Western RWC using the attached form by COB 22 January 2016.

If you require further information or would like to discuss this request for representation further please contact David Creeper, Manager Biosecurity and Emergency Services, on 08 80825211 or 0428 234 972.

Kind regards,

A handwritten signature in black ink, appearing to read 'Erlina Compton', written in a cursive style.

Erlina Compton
Acting General Manager
Western Local Land Services



Western Regional Weeds Committee – Nomination Form

Please complete and return by 22 January 2015 to:

David Creeper
Manager Biosecurity and Emergency Services
Local Land Services Western
PO Box 692 Broken Hill NSW 2880

Organisation:		
Nominee details		
Name:		
Position:		
Postal address:		
Street address:		
Phone:	(w)	(m)
Email:		
Alternate details		
Name:		
Position:		
Postal address:		
Street address:		
Phone:	(w)	(m)
Email:		



Western Regional Weed Committee – Terms of Reference

Part 1 – Preliminary

1. Name

This Committee will be called Western Regional Weed Committee (RWC).

2. Purpose and establishment

The purpose of the RWC is to provide 'tenure neutral' strategic planning and coordination of weed management activities at the regional level. These activities play an integral part in an overall state weed management framework.

The RWC is a local community advisory group under the provisions of Section 33 of the Local Land Services Act 2013.

The RWC is established to:

- support implementation of the weeds components and underlining principles of the NSW Biosecurity Strategy, NSW Biosecurity Act and the NSW Invasive Species Plan 2015-2022
- provide advice to the Board regarding delivery weed functions for the Local Land Services consistent with the Local Strategic Plan
- develop innovative and effective regional weed management strategic plans that consider risks, include all land tenure, and major stakeholders in the landscape
- provide a forum for the community and stakeholders in decision making, and develop communication education and awareness programs based on local and/or regional priority weeds and issues.

3. Relationship of the Local Land Services Board, the RWC and State Weed Committee

The Local Land Services Board is accountable for ensuring that a functional RWC is established and has appropriate representation for their region.

The RWC has autonomy to make decisions that are consistent with the Local Land Services strategic plans. The requirement for member participation in the planning process is critical in ensuring that planning documents and legislative tools are appropriate, equitable and enforceable. Plans that meet this test will be endorsed by the Board as regional weed management plans.

The RWC can raise significant weed policy issues to the State Weed Committee for consideration. Similarly, the NSW State Weed Committee or its members can liaise directly with RWC.

An indicative RWC relationship structure is shown at Figure1.

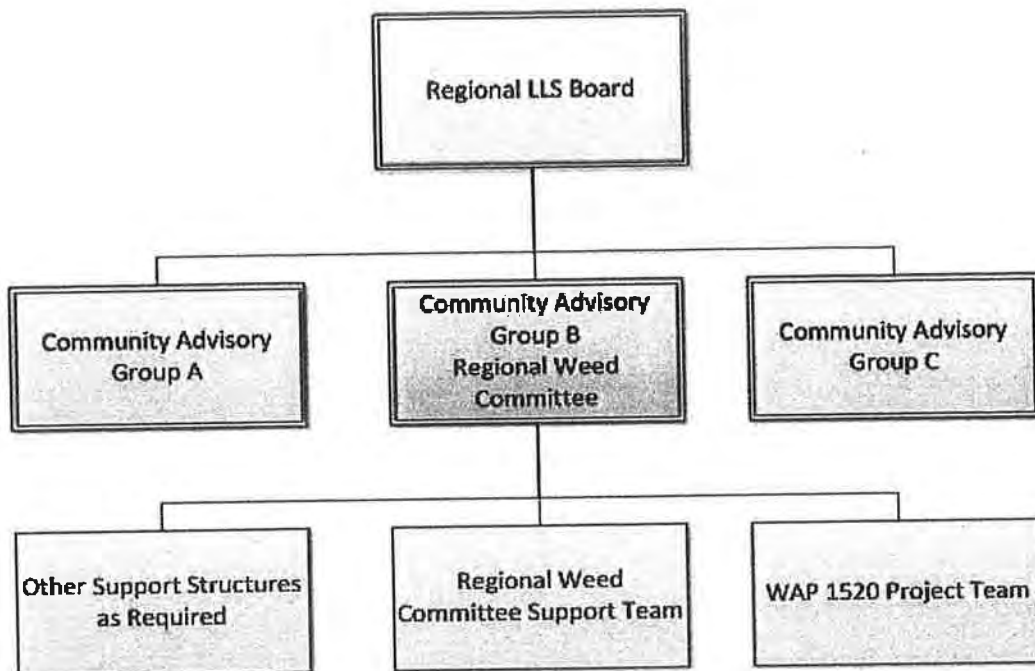


Figure 1: RWC relationships structure.

Part 2 – Objectives

1. The objectives of the RWC include but are not limited to the goals of the NSW Invasive Species Plan 2015–2022.
1. Exclude – prevent the establishment of new invasive species.
2. Eradicate or contain – eliminate, or prevent the spread of new invasive species.
3. Effectively manage – reduce the impacts of widespread invasive species.
4. Capacity Building – ensure NSW has the ability and commitment to manage invasive species; and to promote awareness of invasive weed species within the community.
2. To develop and implement regional weed management plans that are based on best available local knowledge, research and technology.
3. To advise the NSW State Weed Committee on weed matters relating to declaration, control and promotion for the Region.
4. To prioritise target weed species and to recommend weed policy, declaration, control and promotion to member organisations.
5. To facilitate the measurement and evaluation of progress in the control of invasive weed species.
6. To facilitate education, training and the encouragement of persons and organisations in weed management.
7. To develop a communication, education and awareness program based on local and/or regional priority weeds and issues.
8. To promote effective and efficient collaboration and co-ordination of weed programs, and promote resources and information sharing between member organisations.
9. Liaise, where necessary, with other RWC to develop and deliver weed management plans.

10. Identify synergies and capitalise on opportunities for sourcing investment and delivery of priority projects. Identify information and research needs and appropriate collaborative actions.
11. To monitor, evaluate and report on outcomes of the RWC collaborative planning and delivery processes.

Part 3 – Membership

4. Membership generally

The RWC will typically comprise representatives from the following key stakeholder groups listed in Item 4. The Local Land Services Board may amend this membership and seek representation from additional stakeholder groups as appropriate to ensure appropriate regional representation to address the characteristics of the region.

Member representation is to be at the appropriate decision making level and members should have a broad knowledge of weed management approaches and the obligations of their respective stakeholder group.

5. Composition of membership

The following organisations will be eligible to become members of the RWC and nominate representatives:

Key stakeholder group

- Local Land Services
- Local Control Authorities (LCAs)
- NSW Department of Primary Industries (NSW DPI)
- Office of Environment and Heritage (OEH) (including National Parks and Wildlife Service)
- Environmental interests - representation will be determined through liaison with the Nature Conservation Council which is represented on the State Weed Committee.
- NSW Farmers
- Aboriginal land managers
- Landcare
- Public land managers - will be identified in the Terms of Reference of each regional committee.

Members will be appointed to the RWC for a term up to four years.

6. Establishment process

The Local Land Services Board will consult with key stakeholders and utilize best practice in the establishment process of the RWC.

It is recognized that Local Government is a significant partner in weed management and the establishment process of the RWC will occur in close liaison with Local Government.

As a general guide a workable membership number for the RWC is considered to be up to 15 members.

The Local Land Services Board will review membership to ensure that the representation address the regional characteristics and remains optimal to achieving the set objectives.

7. Role of members

Role of individual members of RWC will include:

- promoting a strategic and coordinated approach to regional weed management
- having the support of and ability to represent their stakeholder group
- being a conduit for information flow between their respective stakeholder group and the RWC
- building a cooperative, collaborative and effective RWC
- having a broad understanding of the issues relevant to the regional management of weeds
- developing background knowledge on relevant emerging weed issues and communicating this to the RWC
- addressing barriers to effective implementation and willingness to assist in the development of appropriate solutions.

8. Organisational structure

The RWC will have a chair and vice chair that are elected for one year terms by the membership and endorsed by the Local Land Services Board. Elections will be held at the first meeting of the new membership year.

Local Land Services identified staff will support the RWC functions and additional support resources and specialists may be invited to meetings as guests when their expertise is required.

Appropriate local arrangements will be made for the recruitment of project support and coordination services.

9. Conflict of interest

A member of the RWC who has a pecuniary or non-pecuniary interest in any matter before the RWC, and who is present at a meeting where the matter is being considered, must disclose and identify the nature of the interest to the meeting as soon as practical.

10. Resignation of membership

Resignation shall be in writing and effective upon the date of receipt by the Local Land Services.

11. Conduct unbecoming

The Local Land Services and/or RWC may expel from the RWC any representative whose conduct is, in the opinion of the RWC, discreditable or injurious to the character or interests of the RWC.

12. Attendance of members

Should the appointed representative be unavailable for a scheduled meeting alternate representative arrangements may be organised between the appointed representative and the Local Land Services.

Representatives who are absent without reasonable cause from three successive meetings may be considered to have resigned their seat. The RWC will approach the member organisation to address the situation.

Part 4 - Processes

13. Record of meetings

All scheduled RWC meetings are to be appropriately recorded and minutes distributed to RWC members and the Local Land Services Board.

The summary of the meetings will be placed on the LLS website within two weeks of each meeting and all members will be notified of the website posting by email.

14. RWC meetings

1. The RWC must meet at least four times in each period of 12 months.
2. Location of meetings to be central to the region or by mutual agreement between member representatives as determined at the end of each RWC meeting.
3. An agenda together with relevant supporting material will be forwarded to members at least one week prior to the meeting to enable consideration of key issues. RWC representatives are required to provide a response to all scheduled meetings.
4. A simple majority of the membership constitutes a quorum for the transaction of the business of a meeting of the RWC.

15. Decisions

1. Decisions to be made by consensus of the members.
2. In the event of disagreement decisions will be determined by a majority of the votes of the representatives of the RWC or of any sub-committee appointed by the RWC present at the meeting.
3. Each representative present at a meeting of the RWC or of any sub-committee appointed by the RWC is entitled to one vote but, in the event of an equality of votes on any question, the Chair will have the determining vote.
4. Decisions made at meetings are recorded in the form of resolutions which are binding on the RWC until they are formally amended or repealed. Resolutions, once recorded, take effect immediately.

16. Dispute resolution

Disputes will be raised with the Chair in the first instance for resolution. Issues that cannot be resolved will be escalated to the Local Land Services Board for resolution. The Board may liaise with the State Weed Committee on specific issues to assist resolution

17. Terms of Reference

The RWC will develop and adopt its Terms of Reference within the first three months of operation.

18. Outcomes

Outcomes from RWC activities will include:

- A strong collaborative partnership approach to delivery of RWC functions and services
- A thorough, inclusive and consultative approach to stakeholder communication, consultation and engagement

- Timely and effective information exchange between stakeholder organisations and the RWC
- Development and delivery of products and processes including regional weed plans and communication strategies that achieve the objectives of the RWC
- Informed collaborative delivery and responsiveness to emerging issues

19. Remuneration and resourcing

The RWC resourcing will be determined by the respective Local Land Services based on regional requirements.

20. Endorsement

RWC draft regional weed management plans and supporting communication, education & awareness programs will be tabled with the regional Local Land Services Board for consideration and endorsement.

21. Review and evaluation

The operation of the RWC against its objectives and Terms of Reference will be reviewed and evaluated annually.

Part 5 – Funding Model

22. Funding

It is recognised that weed management implementation is funded from a range of sources across the stakeholder organisations.

Stakeholder groups have responsibility for their own investment, or funded applications for which they are the proponent, which deliver toward the regional weeds strategies.

The operation of the RWC will require funding to support its roles and functions. The RWC provides services which will increase the effectiveness and efficiency of weed management programs while also reducing the risk of weed impacts for partner organisations.

Within the initial nine months of operation, the RWC will discuss, identify and adopt a funding model to support their ongoing operation.

NSW Government Supported Recommendations relevant to the formation of Regional Weed Committees

Recommendation Number	Detail recommendation	Level of Support	Government Response
1. - Promote shared responsibility for weed management across the whole community	(c) build community-wide shared responsibility for weed management through improved education, capacity-building and cooperative community-based responses	Supported	The government supports a community-wide shared responsibility for weed management. The DPI has an excellent relationship with local government and has invested significantly in building its capacity to undertake community based weeds management programs. The establishment of LLS has potential to complement existing arrangements and may allow these programs to be extended to the broader community and industry.
2. - Provide consistent and transparent state level leadership and accountability	(c –iii) commissioning independent audits of Local Control Authorities (LCAs), LLS and the DPI against standards and implementation of agreements and plans, and taking action where necessary	Supported in Principle	The government agrees with the need for effective and on- going evaluation of weed programs. There is statutory provision for audits of state and regional plans in accordance with the <i>Local Land Services Act 2013</i> .
3. - Ensure consistent and coordinated regional planning and local delivery	(a) confirm and support local level service delivery by LCAs and define LCA statutory functions	Supported	

	(b) replace the existing 14 regional weed advisory committees with 11 statutory regional weed committees comprising LCAs, public and private landholders, and community members (similar to the Bush Fire Management Committee model) as subcommittees to LLS, and aligned with LLS borders	Partially Supported	The Government will establish regional weed committees under the <i>Local Land Services Act 2013</i> , with terms of reference similar to the role of Bush Fire Management Committees under the <i>Rural Fires Act 1997</i> . Membership will ensure that all major stakeholders have a say, and a primary responsibility will be to prepare and report on regional weed plans.
	(c) provide a legislative basis for tasking the regional weed committees with developing	Supported	The planning provisions of the <i>Local Land Services Act 2013</i> coupled with provisions

Recommendation Number	Detail recommendation	Level of Support	Government Response
	regional plans and priorities for widespread weeds and surveillance		within the proposed Biosecurity Bill will require regional committees to develop risk-based strategic plans for weed management. These plans will be unambiguous, enforceable, tenure-blind, and inclusive of all relevant stakeholders.
	(d) ensure all regional plans are based on best available local knowledge, research and technology, and promote behavioural change and adoption of integrated land management practices	Supported	
	(e) encourage state bodies and the Australian Government to align funding with regional priorities identified in these strategic plans	Supported	

	(f) ensure legislation allows for integration of pest plant and animal services and that LLS and LCAs work together to realise opportunities for efficiencies	Supported	The establishment of LLS presents opportunities to realise efficiencies in local service delivery. The proposed Biosecurity Bill will allow for authorised officers to exercise powers to conduct pest plant and animal services.
5. - Improve management of high-risk pathways	(e) appoint LLS to coordinate management of declared aquatic weeds within each region	Supported	The government supports this role at the regional level. It should also be noted in most cases management and control of aquatic weeds requires specialist knowledge and equipment. It is important that broad oversight and technical input into these projects is provided at the state scale.
6. - Improve accountability and enforcement at all scales	(b) require the State Weeds Committee to developed state- wide service delivery standards for LCAs. The Committee should commission independent audits of LCAs against these standards, with LLS given the resources and mandate to assume the LCA's	Supported	Independent audit provisions for state and regional plans are available under the <i>Local Land Services Act 2013</i> . Plans will be developed based on broad consultation and with regard to available resources

Recommendation Number	Detail recommendation	Level of Support	Government Response
	surveillance responsibilities, if the LCA is not meeting their obligations. LCAs would not be relieved of responsibilities to manage their own land or roadsides		
	(c) require the State Weeds Committee to commission audits of LLS and DPI's performance in weed management, and the extent to which funding has been allocated in line with strategic priorities	Supported	Independent audit provisions for state and regional plans are available under the <i>Local Land Services Act 2013</i> .

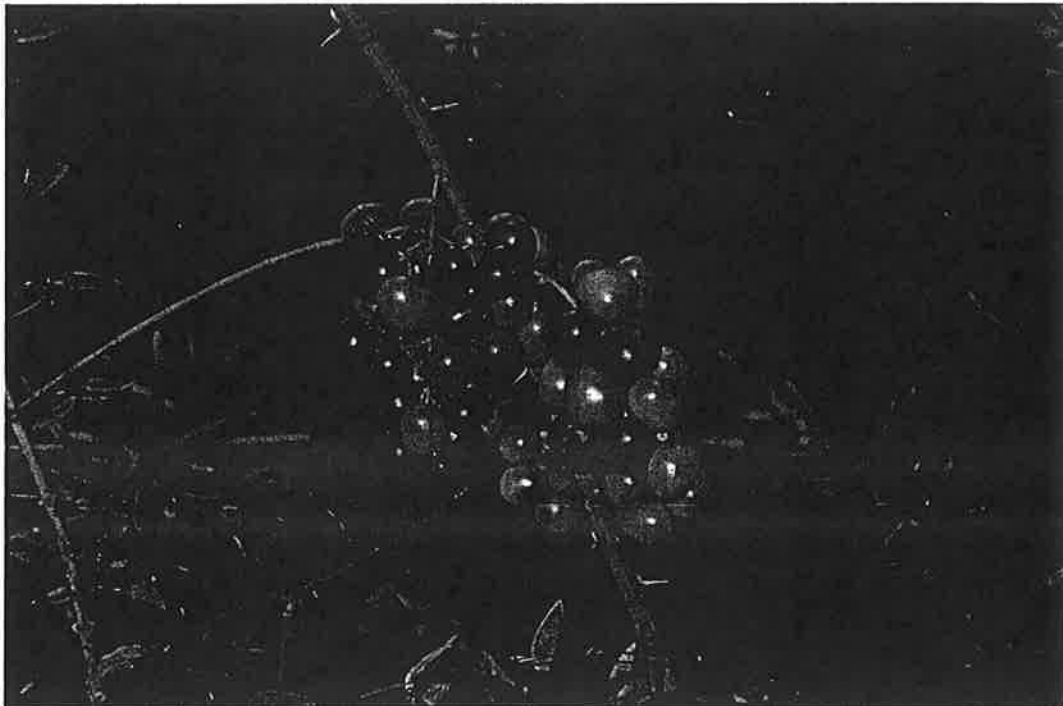
<p>8. - Ensure effective implementation of reforms</p>	<p>(b) allow for each LLS region to establish a position for a regional project officer to oversee implementation of weed management programs within its region</p>	<p>Supported</p>	<p>The government supports the establishment of this role by either using existing weeds expertise within each of the LLS or the absorption of the current regional project officers who are largely funded through the NSW Weeds Action program.</p>
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BIOSECURITY ACT 2015

Discussion Paper: Weeds

December 2015



Comments on this paper close on 12 February 2016

Email your comments to: submissions.biosecuritylegislation@dpi.nsw.gov.au

Post your comments to: Biosecurity Act 2015
NSW Department of Primary Industries
Locked Bag 21
Orange NSW 2800

Published December 2015

Cover image Asparagus – ground asparagus *Asparagus aethiopicus*

Terry Inkson Great lakes council

For more information

See: www.dpi.nsw.gov.au/biosecurityact

Email: submissions.biosecuritylegislation@dpi.nsw.gov.au

Ref: INT15/130479

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Disclaimer: The information contained in this publication is based on knowledge and understanding at the time of writing (December 2015). However, because of advances in knowledge, users are reminded of the need to ensure that information upon which they rely is up to date and to check currency of the information with the appropriate officer of the Department of Primary Industries or the user's independent adviser

Summary

The *Biosecurity Act 2015* (Biosecurity Act) will repeal the *Noxious Weeds Act 1993* (NW Act), which provides regulatory controls and powers to manage noxious weeds in NSW.

The Biosecurity Act provides the opportunity to streamline and modernise the way weeds are managed in NSW as it:

- Embeds the principle of shared responsibility for biosecurity risks (including weeds) between the government, community and industry; and,
- Is tenure neutral, meaning that the Biosecurity Act will apply equally to all land in the state, regardless of whether it is publically or privately owned; and,
- Supports regional planning and management for weeds, as recommended by the *Review of Weeds Management in NSW*.

The prioritisation of weed management actions will be guided by the *NSW Invasive Species Plan* focusing resources on:

Prevention: implementing measures with the objective of preventing the arrival of any new species that is likely to become invasive and have a significant impact.

Eradication: the detection and permanent removal of any newly arrived invasive species that is likely to have a significant impact, before it can establish a self-sustaining population.

Containment: restricting the spread of recently established or emerging invasive species for which there is no longer any realistic prospect of eradication.

Protection: targeting control at the most severe impacts of widespread invasive species to areas of high conservation value (asset protection).

The Biosecurity Act includes several new tools that can be used to manage weeds. Broadly they can be categorised as below.

Outcome category	Biosecurity toolset
Weeds excluded from entering state	Prohibited Matter: Declaration and management of significant weeds not present in NSW, or part of NSW.
Weeds to be eradicated	Control Order: Management of weeds that are the targets of approved eradication programs. Although a Control Order is for a five year period, this can be renewed for longer term eradication programs.
Weeds to be effectively managed to reduce spread on a regional basis.	Biosecurity Zone: Weeds subject to ongoing 'strategic' regional management.
All weeds	General Biosecurity Duty: Requires any person dealing with biosecurity matter or a carrier of biosecurity matter and who knows or ought to know of the biosecurity risks associated with that activity to take measures to <u>prevent, minimise or eliminate</u> the risk as far as is reasonably practicable. Specific measures to reduce the risk will be detailed in regional weeds plans for priority weeds. Note, however that the General Biosecurity Duty exists for all weeds

that present a biosecurity risk.

Other Biosecurity tools

Mandatory Measures Regulation: May require persons to take specific actions with respect to weeds or carriers of weeds.

Emergency Order: To respond to a current or imminent biosecurity risk that may have a significant impact.

Biosecurity Direction: An enforceable instruction to a person or class of persons to take action to:

- prevent, eliminate, minimise a biosecurity risk,
 - prevent, manage or control a biosecurity impact,
 - enforce any instrument under this Act.
-

Biosecurity Undertaking: An authorised officer may accept in writing an undertaking given by a person that sets out the measures a person has agreed to implement to remedy a contravention, a likely contravention, or suspected contravention of the Act.

Background Information

What is the problem?

Weeds can have significant negative impacts on agricultural and forestry production, natural ecosystems, human health, urban and landscape aesthetics, and recreational, cultural and other social activities. Planning for weed management must consider the effectiveness and efficiency of control measures so that the cost is commensurate with the benefit.

Why is it important?

The financial impact of weeds on agriculture alone is approximately \$2.5 billion in lost production and \$1.8 billion in control activities every year. The effects of weeds on social and environmental values cannot be quantified in monetary terms, but are significant. Native biodiversity in particular has suffered declines in the distribution of many species as a direct or indirect result of invasive plants.

There is significant public interest in weed management, particularly in rural and regional areas. Weeds were the most mentioned biosecurity threat in submissions from the public during consultation on the Framework for the Biosecurity Act in 2014.

What is the outcome we are seeking?

1. To provide an effective and efficient risk-based system to manage weeds - the cost of any management response must be proportionate to the risk that is posed.
2. The system must have appropriate tools fit for the task. These tools should relate to the significance and scale of the infestation and clearly linked to 'time-bound' outcomes.
3. Weed management must be tenure neutral with consistent expectations for both public and private land managers.
4. Increase community understanding, participation and ownership of the planning process for weed management; and provide a framework of transparent accountability for weed management decisions.

5. Establish a culture where everyone has a responsibility to manage or reduce the risk of weeds and provide a mechanism to enforce community and government expectations for best practice weed management.

Proposed management under the NSW Biosecurity Act

The tools used to manage weed species will be determined according to the biosecurity risk posed by the weed, the desired management outcome and the cost of achieving that outcome.

While the management of some weeds will be determined at the State level simply because they are targets for eradication or are part of a broad containment strategy, others will be decided locally using the expertise and local knowledge of Regional Weed Committees. The NSW State Weed Committee will play a complementary role in providing consistent policy advice on which locally significant weeds are technically feasible to eradicate or control.

Authorised Officers have powers under the Biosecurity Act to respond to circumstances where weeds management is not occurring and is generating a biosecurity risk. For example, an Authorised Officer may issue a **Biosecurity Direction** or accept a **Biosecurity Undertaking** requiring an individual to take specified action to prevent, minimise or eliminate a particular biosecurity risk.

A local control authority has the same power as the Secretary to appoint **Authorised Officers** in relation to weeds and in relation to land for which it is the local control authority. The council of a local government area is the local control authority for land within that local government area unless the weed control functions for that area have been conferred on a county council under any other Act. The Western Lands Commissioner is the local control authority for the Western Division land that is not within a local government area and the Lord Howe Island Board is the local control authority for Lord Howe Island.

The three general outcome categories as recommended by the Natural Resource Commission and the proposed tools for weeds management include:

Outcome category: Weeds excluded from entering the state

Schedule 2 to the Biosecurity Act contains a list of **prohibited matter**, including a number of weed species (see Appendix 1). Prohibited matter is tightly regulated, and it is an offence to deal with it in any way other than under the most limited and controlled circumstances (e.g., research permits). ('Deal with', as defined in section 12 has a very broad meaning, including such actions as keeping, acquiring, moving, releasing, treating, growing and using). There are also a number of prohibited matter duties, including the duty to notify and the duty to prevent, eliminate or minimise the risk posed by the matter.

To minimise risk of entry and the spread of prohibited matter, it is important that potential *carriers* of prohibited matter are also regulated. **Mandatory measures** will prohibit the movement into NSW of grain harvesters, comb trailers, bins for holding grain during harvest, augers or similar equipment used for moving grain, vehicles used for transporting grain harvesters, and vehicles used as support vehicles with grain harvesters (that have been driven in paddocks during harvest operations), from another State or Territory unless it has relevant certification that the equipment or machinery is weed free.

If prohibited matter is suspected or detected in the State, an **Emergency Order** or **Control Order** may be made so that swift action can be taken to eradicate the infestation. It is also important to note that an emergency order or control order can be made for a high risk species even if it has not been declared prohibited matter.

Outcome category: Weeds to be eradicated

Control Orders will generally be used for the purpose of eradicating a weed from an area/s of NSW. Eradication will be considered at a variety of scales and consistent with the principles of NSW Invasive Species Plan. A Control Order will specify certain measures, in connection with a

defined area, that must be taken to prevent, eliminate, minimise or manage the weed. This tool is limited to a maximum of 5 years and is intended to enforce time-bound and outcome-based eradication campaigns. In some circumstances a Control Order may be extended to meet longer programs. It is proposed to implement a Control Order for the purpose of eradicating a number of weed species from Lord Howe Island (see Appendix 2).

The State Weeds Committee and Regional Weed Committees will play an important role in providing advice on appropriate management tools and will be required to consider suitability and technical feasibility criteria when considering which weeds, if any, should be the target of an eradication program under a Control Order.

Outcome Category: Weeds to be effectively managed to reduce impacts on a regional basis.

It is proposed to establish **Biosecurity Zone** regulations for the long-term management of specific weeds that are regionally significant and where regulation is considered appropriate due to the impact of the weed. For example, zones may be used for weeds that are subject to containment, or where ongoing programs are implemented to reduce the impact of particular weeds in defined areas. A Biosecurity Zone would specify certain management measures required in a geographic area that must be taken to prevent, eliminate, minimise or manage the weed. Weeds proposed to be managed under a Biosecurity Zone are listed in Appendix 3.

Dealings with all weeds will also be subject to the **General Biosecurity Duty (GBD)**. The GBD is in addition to any requirements included in a control order, biosecurity zone or other instrument made under the Biosecurity Act. The GBD requires any person dealing with biosecurity matter or a carrier of biosecurity matter (i.e., weeds, grain harvester etc) and who knows or ought to know of the biosecurity risks associated with that activity to take measures to prevent, minimise or eliminate the risk as far as is reasonably practicable.

Appendix 4 gives examples of some weed species that the NSW Government will expect landowners or occupiers to prevent, minimise or eliminate their risk. It is expected that Regional Weed Committees, as part of the regional planning processes may nominate additional species where a stronger focus is required for their management. **Although all weeds are subject to the GBD the Regional Weed Strategy will serve to describe what weeds will be prioritised for management action, investment and compliance effort within each region.**

Some weeds may be subject to regulations (known as **mandatory measures**) that will prescribe specific actions a person must take (or not take) to discharge their GBD. For example, a person may be required to notify DPI of the presence or suspected presence of a specific weed.

However, in all cases, it will be the responsibility of the landowner or occupier to take additional measures to manage weeds and discharge their GBD. In many cases a landowner or occupier will discharge their GBD by simply stopping the spread of weeds from their land by creating a weed free buffer zone. In other cases, it may be expected that landowners suppress and destroy a particular weed species. Regional Weeds Plans and guidelines will clearly establish the NSW Government's expectation with respect to the management of weed species and actions that should be taken to discharge the GBD.

A fundamental goal of the GBD is to reduce the impact of weeds on neighbouring lands - primarily through stopping weed spread. Where there is no discernible difference between the extent of weed on neighbouring lands the GBD is not an appropriate option.

Landholders and occupiers also have a responsibility to undertake due diligence when, for example, they are allowing contractors onto their property or accepting equipment or fodder so that weed risks are mitigated. As an added precaution, they could check whether the contractor abides by a biosecurity plan or seek a declaration that the equipment has been cleaned to a certain standard or the fodder is weed free.

It is proposed that Weeds of National Significance (WoNS) that are not prohibited matter and where the risk does not warrant the use of a control order or biosecurity zone will be managed using the GBD provisions. In addition, a Mandatory Measure will be put in place to ban the sale

of WoNS and to take reasonable steps to eliminate or minimise risk of the spread of the weed in order to meet National regulatory commitments.

Authorised officers have powers under the Biosecurity Act to respond to circumstances where weeds are not being managed and they are causing a biosecurity risk or impact. For example, they can issue a **biosecurity direction** to or accept a **biosecurity undertaking** from the land owner or occupier.

What do you think?

We value your comments on how we can improve our biosecurity system and look forward to receiving your input into this important process.

Please complete the following survey on 'Weeds' at: <https://www.surveymonkey.com/r/weeds1>.

Alternatively, submit your feedback **by Friday, 12 February 2016** via email or post to:

Biosecurity Act 2015
NSW Department of Primary Industries
Locked Bag 21
Orange NSW 2800

For more information about the *Biosecurity Act 2015* and regulatory framework, please visit www.dpi.nsw.gov.au/biosecurityact.

Appendix 1

Prohibited Matter

<i>Andropogon gayanus</i>	Gamba grass
<i>Annona glabra</i>	Pond apple
<i>Asparagus declinatus</i>	Bridal veil creeper
<i>Bassia scoparia</i> (excluding subsp. <i>trichophylla</i>)	Kochia
<i>Centaurea stoebe</i> subsp. <i>micranthos</i>	Spotted knapweed
<i>Centaurea xmoncktonii</i>	Black knapweed
<i>Chromolaena odorata</i>	Siam weed
<i>Clidemia hirta</i>	Koster's curse
<i>Cryptostegia grandiflora</i>	Rubber vine
<i>Didymosphenia geminata</i>	Didymo
<i>Eichhornia azurea</i>	Anchored water hyacinth
<i>Hieracium</i> spp (all species)	Hawkweed
<i>Hydrocotyle ranunculoides</i>	Hydrocotyl / Water pennywort
<i>Lagarosiphon major</i>	Lagarosiphon
<i>Limnobium</i> spp. (all species)	Frogbit / Spongeplant
<i>Limnocharis flava</i>	Yellow burrhead
<i>Miconia</i> spp. (all species)	Miconia
<i>Mikania micrantha</i>	Mikania vine
<i>Mimosa pigra</i>	Mimosa
<i>Myriophyllum spicatum</i>	Eurasian water milfoil
<i>Nassella tenuissima</i> (syn. <i>Stipa tenuissima</i>)	Mexican feather grass
<i>Orobanche</i> spp. (all species except the native <i>O.cernua</i> var. <i>australiana</i> and <i>O. minor</i>)	Broomrape
<i>Parthenium hysterophorus</i>	Parthenium weed
<i>Stratiotes aloides</i>	Water soldier
<i>Striga</i> spp. (except the native <i>S. parviflora</i>)	Witchweed
<i>Trapa</i> spp.	Water caltrop
<i>Vachellia karroo</i> (syn. <i>Acacia karroo</i>)	Karoo thorn
<i>Vachellia nilotica</i> (syn. <i>Acacia nilotica</i>)	Prickly acacia

Appendix 2

Example Control Order: Lord Howe Island

<i>Acmena helimampra</i> , <i>A. smithii</i> and <i>Syzygium oleosum</i>	Lilly pilly
<i>Arundinaria</i> spp	Arundinaria reed
<i>Arundo donax</i>	Giant reed / Elephant grass
<i>Asparagus plumosus</i>	Climbing asparagus fern
<i>Brachychiton acerifolius</i>	Flame tree
<i>Cestrum nocturnum</i>	Lady-of-the-night
<i>Chrysanthemoides monilifera</i> subsp. <i>rotundata</i>	Bitou bush
<i>Cinnamomum camphora</i>	Camphor laurel
<i>Coprosma repens</i>	Mirror bush / Looking-glass bush/ Coprosma
<i>Cortaderia</i> spp	Pampas grass
<i>Cotoneaster glaucophyllus</i>	Cotoneaster (large-leaf)
<i>Cyrtomium falcatum</i>	Holly fern
<i>Datura stramonium</i>	Common thornapple
<i>Delairea odorata</i>	Cape ivy
<i>Dendrobium speciosum</i>	King orchid / Rock lily / Sydney rock orchid
<i>Genista monspessulana</i>	Montpellier broom/ Cape broom
<i>Gloriosa superba</i>	Glory lily
<i>Grevillea robusta</i>	Silky oak
<i>Hedychium gardnerianum</i>	Ginger lily
<i>Hymenosporum flavum</i>	Native frangipani
<i>Hypoestes phyllostachya</i>	Freckle face / Polka-dot plant
<i>Ipomoea indica</i>	Morning glory (purple)
<i>Ipomoea purpurea</i>	Morning glory (common)
<i>Lantana</i> spp	Lantana
<i>Leptospermum laevigatum</i>	Coastal tea tree
<i>Ligustrum lucidum</i>	Privet (Broad-leaf)
<i>Ligustrum sinense</i>	Privet (Narrow-leaf / Chinese)
<i>Lonicera japonica</i>	Japanese honeysuckle

<i>Macroptilium atropurpureum</i>	Siratro
<i>Melia azedarach</i>	White cedar / Chinaberry tree
<i>Murraya paniculata</i>	Murraya / Orange jessamine
<i>Ochna serrulata</i>	Ochna
<i>Pandorea jasminoides</i>	Bower vine
<i>Passiflora caerulea</i>	Blue passionflower
<i>Pereskia aculeata</i>	Leaf cactus / Satan plant / Barbados gooseberry
<i>Phyllostachys</i> spp	Rhizomatous bamboo
<i>Pittosporum undulatum</i>	Sweet pittosporum
<i>Platycerium superbum</i>	Staghorn fern
<i>Psidium cattleianum</i>	Cherry guava
<i>Ricinus communis</i>	Castor oil plant
<i>Robinia pseudoacacia</i>	Black locust
<i>Schefflera actinophylla</i>	Umbrella tree
<i>Senna pendula</i> var. <i>glabrata</i>	Cassia/Senna
<i>Senna septemtrionalis</i>	Winter senna / Arsenic bush
<i>Setaria palmifolia</i>	Palm grass
<i>Solanum seafortianum</i>	Climbing / Brazilian nightshade
<i>Sphagneticola trilobata</i>	Singapore daisy
<i>Syagrus romanzoffiana</i>	Cocos palm / Queen palm
<i>Syzygium paniculatum</i>	Brush cherry /Magenta cherry
<i>Tetrapanax papyrifer</i>	Rice paper plant
<i>Tillandsia usneoides</i>	Spanish moss / Old man's beard
<i>Toona ciliata</i>	Red cedar
<i>Vinca major</i>	Blue / Greater periwinkle
<i>Zantedeschia aethiopica</i>	Arum lily

Appendix 3

Example Biosecurity Zones

The following weeds have been identified because they require disparate management outcomes in different parts of the NSW. Each species will be subject to specific control requirements tailored for the relevant region.

<i>Alternanthera philoxeroides</i>	Alligator weed
<i>Celtis sinensis</i>	Chinese celtis
<i>Chrysanthemoides monilifera</i> subsp. <i>rotundata</i>	Bitou bush
<i>Eichhornia crassipes</i>	Water hyacinth
<i>Gleditsia triacanthos</i>	Honey locust
<i>Lantana</i> spp	Lantana
<i>Olea europaea</i> subsp. <i>cuspidata</i>	African olive
<i>Triadica sebifera</i>	Chinese tallow tree

Appendix 4

Example of weeds to be included in Regional Weed Strategies and prioritised for regulation under the GBD

<i>*Alhagi maurorum</i>	Camel thorn
<i>Ambrosia confertiflora</i>	Burr ragweed
<i>Amelichloa brachychaeta</i> ; <i>A. caudata</i>	Espartillo
<i>#Anredera cordifolia</i>	Madeira vine
<i>Argemone mexicana</i>	Mexican poppy
<i>#*Asparagus aethiopicus</i>	Ground asparagus
<i>#*Asparagus africanus</i>	Climbing asparagus
<i>#Asparagus asparagoides</i>	Bridal creeper
<i>#*Asparagus falcatus</i>	Sicklethorn
<i>#*Asparagus macowanii</i> var. <i>zuluensis</i> Ming (Pompom/Zig zag) asparagus fern	Asparagus fern
<i>#*Asparagus</i> spp (excl. <i>A. officinalis</i> & <i>A. racemosus</i>) Asparagus	Asparagus
<i>#Asparagus plumosus</i>	Climbing Asparagus-fern
<i>#Asparagus scandens</i>	Asparagus Fern, Climbing Asparagus Fern
<i>#*Asparagus virgatus</i>	Asparagus fern
<i>*Asystasia gangetica</i> subsp. <i>micrantha</i>	Chinese violet
<i># Austrocylindropuntia</i> spp.	Prickly Pears
<i>Baccharis halimifolia</i>	Groundsel bush
<i>Berberis lomariifolia</i>	Mahonia / Chinese holly
<i>Brassica barrelieri</i> subsp. <i>oxyrrhina</i>	Smooth-stemmed turnip
<i>*Broussonetia papyrifera</i>	Paper mulberry
<i>#*Cabomba</i> spp (except <i>C. furcata</i>)	Cabomba
<i>Caesalpinia decapetala</i>	Mysore thorn
<i>Carthamus leucocaulos</i> (<i>glaucus</i>)	Glaucous star thistle
<i>*Cecropia</i> spp	Cecropia

<i>Cenchrus biflorus</i>	Gallon's curse
<i>Cenchrus brownii</i>	Fine-bristled burr grass
<i>Cenchrus macrourus</i>	African feathergrass
<i>Cenchrus setaceus</i>	Fountain grass
#* <i>Chrysanthemoides monilifera</i> subsp. <i>monilifera</i>	Boneseed
<i>Cortaderia</i> spp	Pampas grass
* <i>Crotalaria lunata</i>	Rattlepod
* <i>Cynoglossum creticum</i>	Blue hound's tongue
# <i>Cylindropuntia</i> spp.	Prickly Pears
# <i>Cytisus scoparius</i> subsp. <i>scoparius</i>	Scotch broom / English broom
<i>Dipogon lignosus</i>	Dolichos pea
# <i>Dolichandra unguiscati</i>	Cat's claw creeper
* <i>Echinochloa polystachya</i>	Aleman grass
* <i>Equisetum</i> species	Horsetails
* <i>Erythrina crista-galli</i>	Cockspur coral tree
<i>Festuca gautieri</i>	Bear-skin fescue
<i>Galenia pubescens</i>	Galenia
# <i>Genista linifolia</i>	Flax-leaf broom, Mediterranean Broom
# <i>Genista monspessulana</i>	Montpellier Broom
* <i>Gymnocoronis spilanthoides</i>	Senegal tea plant
<i>Hedychium gardnerianum</i>	Ginger lily
<i>Heliotropium amplexicaule</i>	Blue heliotrope
* <i>Heteranthera reniformis</i>	Heteranthera / Kidneyleaf mud plantain
<i>Heteranthera zosterifolia</i>	Water star grass
<i>Hygrophila costata</i>	Hygrophila
* <i>Hygrophila polysperma</i>	East Indian hygrophila
#* <i>Hymenachne amplexicaulis</i> and hybrids	Hymenachne
<i>Hyparrhenia hirta</i>	Coolatai grass
<i>Hypericum androsaemum</i> & <i>H. kouytchense</i>	Tutsan
<i>Hypericum perforatum</i>	St. John's wort
* <i>Jatropha gossypifolia</i>	Bellyache bush

<i>Lantana</i> spp	Lantana
<i>Ludwigia longifolia</i>	Long-leaf willow primrose
* <i>Ludwigia peruviana</i>	Ludwigia
# <i>Lycium ferocissimum</i>	African boxthorn
# <i>Nassella neesiana</i>	Chilean needlegrass
# <i>Nassella trichotoma</i>	Serrated tussock
# <i>Opuntia</i> spp.	Prickly Pears
<i>Oryza rufipogon</i>	Red rice
#* <i>Parkinsonia aculeata</i>	Parkinsonia
<i>Passiflora suberosa</i>	Corky passionfruit
<i>Picnomon acarna</i>	Soldier thistle
* <i>Pistia stratiotes</i>	Water lettuce
#* <i>Prosopis</i> species	Mesquite
* <i>Pueraria lobata</i>	Kudzu
<i>Rhaponticum repens</i>	Creeping knapweed /Hardhead Thistle
# <i>Rubus fruticosus</i> aggregate species except cultivars	Blackberry
# <i>Rubus niveus</i>	White blackberry / Mysore raspberry
<i>Sagittaria calycina</i> var. <i>calycina</i>	Arrowhead
<i>Sagittaria platyphylla</i>	Sagittaria
#* <i>Salix cinerea</i>	Grey willow
# <i>Salix nigra</i>	Black willow
# <i>Salix</i> spp with exception of <i>S. babylonica</i> , <i>S. Xreichardtii</i> , <i>S. xcalodendron</i> , <i>S. cinerea</i> & <i>S. nigra</i>	Willows
#* <i>Salvinia molesta</i>	Salvinia
<i>Schinus terebinthifolius</i>	Broad-leaf peppertree
<i>Scolymus hispanicus</i>	Golden thistle
# <i>Senecio madagascariensis</i>	Fireweed
<i>Sisymbrium runcinatum</i> & <i>S. thellungii</i>	African turnip weed
<i>Solanum chrysotrichum</i>	Giant devil's fig
# <i>Solanum elaeagnifolium</i>	Silver-leaf nightshade
<i>Solanum rostratum</i>	Buffalo burr

<i>*Solanum viarum</i>	Tropical soda apple
<i>Sonchus arvensis</i>	Corn sowthistle
<i>Spartium junceum</i>	Spanish broom
<i>Sporobolus fertilis</i>	Giant Parramatta grass
<i>*Sporobolus pyramidalis</i>	Giant rat's tail grass
<i>Stachytarpheta cayennensis</i>	Cayenne snakeweed
<i>#Tamarix aphylla</i>	Athel tree / Athel pine
<i>Tecoma stans</i>	Yellow bells
<i>#Ulex europaeus</i>	Gorse
<i>Vinca major</i>	Blue / Greater periwinkle

*** Mandatory measures may apply. For example, a duty to notify.**

Mandatory measure not to sell or knowingly distribute.

Appendix 5

SIAM WEED

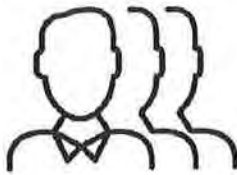
Chromolaena odorata



Siam weed.
Prohibited Matter.
Duty to Notify.

A passive and active surveillance system is in place as part of the Regional Weed Plan.

Authorised Officer received report of strange plant at local backpacker hostel.



Local government works with LLS and DPI to conduct a delimitation survey.

Location of plants is recorded in Biosecurity Information System, voucher specimens taken and plants destroyed.

Authorised Officer reports incursion to NSW DPI for advice.



Delimitation survey finds that only five plants established and they have not yet set seed.

Incursion location scheduled for follow up surveys as part of Local Control Authorities work program.

Appendix 6

CHERRY GUAVA

Psidium cattleianum



Lord Howe Island produce a management strategy to eradicate non indigenous species from the Island.

A Biosecurity Control Order is drafted listing 54 plant species as eradication targets. Order in place for 5 years.



Stipulated control measure is that plants must be continually suppressed and destroyed.

Order is publicised through community.



Authorised Officer conducting routine inspection discovers several cherry guava trees being grown at a residence.

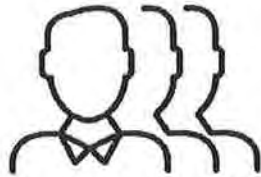
Owner/occupier instructed to remove trees and informed of alternative species to plant.

Owner/occupier complies. Full eradication on the property is achieved.

Appendix 7

ALLIGATOR WEED

Alternanthera philoxeroides



DPI, in consultation with the NSW Alligator Weed Reference Group, develops a strategy to manage alligator weed in NSW.

Biosecurity Zone put in place.



Regulation publicised throughout community.

Biosecurity Zone regulation drafted, stipulating weed must be contained in certain areas and eradicated in areas outside of the containment zone.



Unknown aquatic weed reported by public. An Authorised Officer visits the site, treats the weed and notifies DPI.

Follow up inspections are scheduled as part of the Local Control Authorities' aquatic weed program.

SILVER LEAFED NIGHTSHADE

Solanum elaeagnifolium



Partnerships, education and advisory.
General Biosecurity Duty.

Education program on Silver Leaved Nightshade.



General Biosecurity Duty reinforced. Landowner referred to recommendations in Guidelines for Best Practice Management of Silver Leaved Nightshade in NSW.

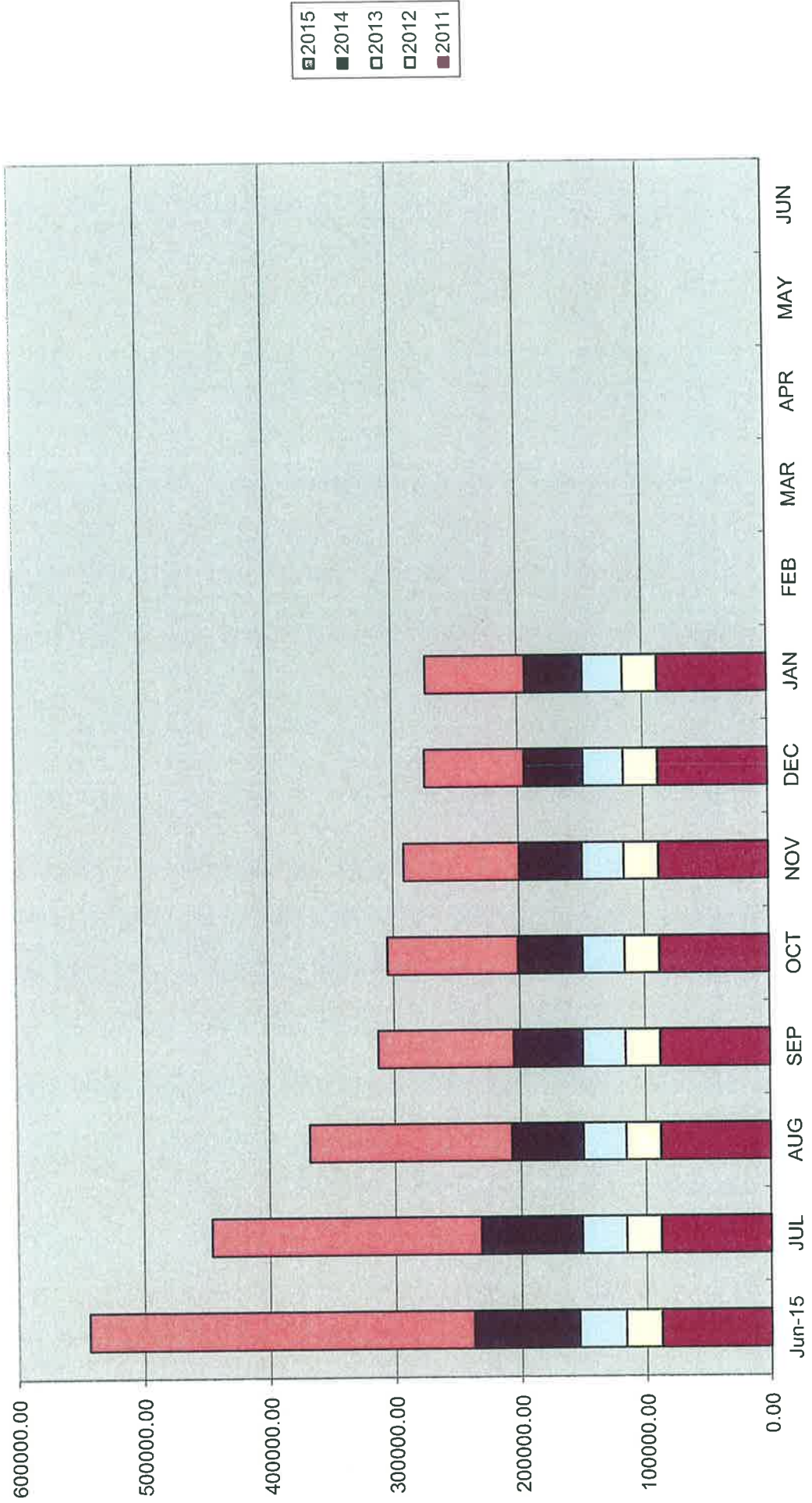
LCA Authorised Officer identifies dense stands of Silver Leaved Nightshade along boundary fence of landowner's property (risk to neighbour).



Authorised officer inspects a month later and landowner hasn't implemented recommendations. Biosecurity Direction issued. Failure to comply an offence.

Authorised Officer has work undertaken by local contractor, and costs are recovered from the owner.

Rate Arrears 2015-2016
General Rates, Water Access, Sewer, Domestic Waste, Interest & Legal Costs



Total Rates Outstanding
General Rates, Water Access, Water Usage, Sewer Access, Domestic Waste, Legal Costs, Interest

