Compliance framework
Widespread and established declared weeds categorised in the C3 (management) control category

Supporting your success
Compliance framework – C3 weeds

The preferred approach to management and regulation of widespread and established weeds is through a community coordinated approach. This approach is consistent with the ‘National Framework for the Management of Established Pests and Diseases of National Significance’. The approach is also consistent with the ‘Invasive Species Plan for Western Australia 2015-2019’.

Widespread and established weeds (or “C3 weeds”) are defined as plant species declared under section 22(2) of the Biosecurity and Agriculture Management Act 2007 (BAM Act). They are categorised in the C3 (management) control category under the Biosecurity and Agriculture Management Regulations 2013.

Compliance describes a spectrum of activities ranging from voluntary compliance by landholders with the BAM Act to serious non-compliance with the requirements of the BAM Act and/or regulatory instruments issued under the BAM Act.

The community coordinated approach to management and regulation of C3 weeds places emphasis on landholders complying with their responsibilities under the BAM Act to control declared weeds in an effective way by coordinating with neighbouring properties. Through a range of engagement processes, a high level of compliance can be achieved.

The role of the Department of Agriculture and Food, Western Australia (DAFWA) is in supporting voluntary compliance through building capacity within industry and community to control C3 weeds and other declared pests. DAFWA has a further capability to enforce compliance of C3 weeds through regulatory provisions under the BAM Act.

Enforcement of compliance is most effective if applied with the range of compliance options for control of C3 weeds. Enforced control is not effective for C3 weeds without other forms of compliance being adopted. Accordingly, DAFWA will enforce compliance of C3 weeds with impact on agricultural assets or agricultural productivity only where there is sustained community action in management of the weeds, and where it is considered feasible and cost-effective to do so. Sustained community action is typically via activities of biosecurity or other groups that have identified the weed species as a high profile weed for the group.

This document sets out the compliance framework applied to C3 weed species. It also provides a 3-year implementation plan that is relevant to C3 weeds in the south-west of Western Australia. The plan will be reviewed annually.

The compliance framework relevant to the community coordinated approach for control of C3 weeds is represented in Figure 1. This shows the respective roles of biosecurity groups and DAFWA at various stages of a compliance triangle.

There are minor and major consequences of non-compliance, as shown in Figure 1. Minor consequences relate (but are not limited) to non-compliance with non-legislative tools such as best practice weed control (such as with agreed Local Best Practice guidelines) or with the management control advisory letters sent by biosecurity groups to landholders.

Major consequences of non-compliances are related (but not limited) to non-compliances with legislative tools under the BAM Act.
Figure 1: Compliance framework for C3 weeds
Implementation plan

This section sets out the implementation of the compliance framework for C3 weeds in the south west of Western Australia (for example cotton bush). The implementation plan will be reviewed annually.

The Implementation Plan is based on the assumption that there is demonstrated strong community or industry interest in control of C3 weeds within a specific area. This interest would be considered effective through formation of an effective biosecurity group that has clearly identified priorities, best practice description and operation plans for control, and that the group is undertaking activities that are effective in attaining a high level of voluntary compliance.

The actions of the Implementation Plan are focussed on non-voluntary compliance requirements that may be adopted to increase the effectiveness of a biosecurity groups coordinated control program. It is not intended that these actions will be undertaken without biosecurity group leadership in voluntary compliance for coordinated control of C3 weeds.

(i) DAFWA’s role for compliance

**Key actions**

- DAFWA will undertake annual cotton bush non-voluntary compliance operations in 2016, 2017 and 2018. The intent is for a high level of compliance to be achieved as a result of biosecurity group activities and this action. The requirement for on-going non-voluntary compliance action will be reviewed after this period to assess further requirements.

DAFWA will continue to carrying out annual compliance operations for regulation of cotton bush as it has since 2014. This role is predicated on the continuation of sustained coordinated community action through biosecurity groups for management and control of cotton bush.

For example, the 2016 non-voluntary compliance operation involves Biosecurity Officers covering areas within the Leschenault, Peel-Harvey and Blackwood biosecurity groups. DAFWA intends to continue the same level of resource commitment annually until the 2018 operations, with the assumption that sustained coordinated community action on management of cotton bush continues in these areas. DAFWA’s intentions to undertake these actions will also depend upon resources available at the time considering potential incursions of significant pests and diseases, which may impact on resources available for cotton bush or other C3 weed non-voluntary compliance operations.

The annual non-voluntary compliance operations provide opportunities to develop compliance capability within DAFWA and also within local government authorities that are interested in receiving delegated powers under the BAM Act for control of cotton bush (see section (ii)).
Role of Senior Biosecurity Officer - Compliance

DAFWA will employ a full-time Senior Biosecurity Officer – Compliance who will primarily be focused on promoting compliance relating to C3 weeds. This role will work with identified biosecurity groups to support their efforts with landholders by encouraging voluntary compliance with public and other instrumentalities. The role will also coordinate the annual non-voluntary compliance program with DAFWA biosecurity officers and others that may be involved.

The priority activities of this role with include:

- Support biosecurity group activities for voluntary compliance where there is sustained community coordinated action for management of C3 weeds
- Engage with public authorities and other larger organisations or instrumentalities who are land managers to encourage voluntary compliance relating to C3 weeds control (see section (iii) for more information)
- Coordinate and implement the annual non-voluntary compliance program for cotton bush and other identified C3 weeds
- Arrange and coordinate activities of external regulators that have been delegated powers under the BAM Act to regulate C3 weeds

(ii) Delegation of powers to interested local government authorities

Local government authorities have responsibility to control declared pests on land they manage.

Local government authorities may also receive delegated powers under the BAM Act for regulation of C3 weeds. This would apply only to those local government authorities seeking to do so.

Where delegation of powers does occur, it is expected that the local government authority will operate in close cooperation with the relevant biosecurity group and undertake activities consistent with this compliance framework. Those with delegated powers will be expected to perform the functions in a way that is consistent with DAFWA’s regulatory standards and in a way that is coordinated through the role of the Senior Biosecurity Officer – Compliance.

Delegation of powers to interested local government authorities will occur in stages and via the appropriate delegation and/or appointment instruments under the BAM Act. It will require a memorandum of understanding between DAFWA and the local government authority. The memorandum of understanding will outline expectations around:

- training and capacity building arrangements
- consistent application of the compliance framework for C3 weeds and processes
- review and reversal provisions
- requirements for information exchange
- roles and responsibilities in management of non-compliances, particularly authority to initiate remedial action
- regulatory standards
- roles and responsibilities in the management of State Administrative Tribunal reviews.

Powers will be delegated to local government authorities only in relation to private landholders. Section 36 of the BAM Act enables the DAFWA Director General to review pest control notices. This power will be retained within DAFWA to ensure consistency in application of the compliance framework and processes for C3 weeds.
Shire of Murray – a guiding example

The Shire of Murray has indicated interest in receiving delegated powers under the BAM Act for the control of cotton bush.

Prior to the 2015 cotton bush compliance operations, the CEO of the Shire was informed of DAFWA’s approach to the delegation of powers to local government authorities. DAFWA required Shire rangers, who will be delegated the relevant powers for regulation of cotton bush, observe the DAFWA compliance process undertaken by DAFWA biosecurity officers during the annual cotton bush compliance operations. This introductory process is essential to ensure consistency in compliance processes and standards between DAFWA and the Shire of Murray for regulation of cotton bush.

Key actions

- DAFWA will contact the Shire of Murray to offer the opportunity for the Shire’s rangers to participate in the 2016 cotton bush operations as the first step towards the delegation of powers to the Shire.
- DAFWA will develop the framework for collaborative and consistent cotton bush compliance operations with the Shire of Murray.

Steps towards delegation of powers

The offer for the Shire of Murray’s rangers to participate in the 2016 cotton bush compliance operations will be made to the Shire’s CEO. The Shire of Murray rangers to be appointed as inspectors under the BAM Act will need to participate in the 2016 cotton bush compliance operations and undergo general BAM Act training conducted by DAFWA.

Discussions of the types of powers to be delegated to the Shire will also take place concurrently. The Shire has been advised by DAFWA that once their rangers completed the training and capacity building requirements, the following powers can be delegated to these rangers:

- inspection and other functions (sections 64 to 67)
- issue pest control notices (section 31).

The BAM Act powers delegated to the Shire of Murray will only relate to the regulation of cotton bush on privately owned and managed land.

The Shire of Murray has expressed the desire to have the authority to issue infringement notices for regulation of cotton bush. Further negotiations and discussions will take place between DAFWA and the Shire for the potential to delegate this authority.

This approach to delegation of powers for regulation of cotton bush can be adopted with other local government authorities if they express interest in receiving delegated powers for regulation of cotton bush.
## (iii) Compliance on land managed by public authorities

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<thead>
<tr>
<th><strong>Key actions</strong></th>
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<tbody>
<tr>
<td>DAFWA will apply the compliance framework for C3 weeds to land managed by public authorities</td>
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<tr>
<td>DAFWA encourages biosecurity groups to engage with and educate these public authorities with the aim of achieving voluntary compliance in control of declared pests</td>
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<tr>
<td>DAFWA will engage with relevant public authorities at a higher level if efforts of biosecurity groups to achieve voluntary compliance failed</td>
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DAFWA’s approach to regulation of C3 weeds on land managed by public authorities will be consistent with the approach taken to regulate C3 weeds on private land. The community coordinated approach supported by this compliance framework will apply across tenure, including land managed by public authorities.

DAFWA expects biosecurity groups to engage with these public authorities to gain voluntary compliance for control of C3 weeds. DAFWA will support group engagement processes by biosecurity groups.

DAFWA’s activities will be coordinated through the role of the Senior Biosecurity Officer-Compliance. These may include:

- Engage with public authorities and other instrumentalities or non-private land managers within identified priority area as may be required.
- Conduct compliance activities as per the compliance framework for C3 weeds where attempts to achieve voluntary compliance has not worked

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