Upper Macquarie County Council

POLICY: UMCC_2018/01

BIOSECURITY COMPLIANCE & ENFORCEMENT

To make sure private and public landholders manage their properties to reach and maintain a sustainably low level of weed biosecurity risk!

Adopted by: Upper Macquarie County Council Date: 15th June 2018
Review Date: Every 3 years or as required Next Due: June 2021

Policy Document Approved by:

David Young
General Manager Date: 5th June 2018
1. **Policy Purpose**

Upper Macquarie County Council (the Council) is a *County Council* in terms of the Local Government Act (1993) and as such is prescribed under the Biosecurity Act 2015 as a *Local Control Authority* for weed biosecurity.

In this context the Council has prepared this policy to demonstrate how it intends to approach the implementation of its weed related duties and obligations set out in the Biosecurity Act 2015 - to an exemplary standard - and consistent with the model principles of compliance and enforcement published by the NSW Ombudsman and practiced by NSW Fair Trading.

The Policy simultaneously seeks to facilitate the Council meeting the reasonable needs and expectations of the constituent councils and their communities, with a particular emphasis on those stakeholders engaged in primary production throughout the county district.

2. **Scope of Policy**

This Policy sets out the framework within which the Council will approach its duties and obligations set out in the Biosecurity Act 2015 and Biosecurity Regulation (2017) and this framework becomes the reference point from which more detailed operational plans (guidelines, standards and procedures) will be formulated. This Policy and associated operational plans that are prepared and updated from time to time, applies to all and any lawful activities undertaken in the name of the Council by its staff or agents.

Consistent with the intent of the authorising legislation the Policy applies to relevant land and persons throughout the county district regardless of: (a) which LGA the land is in (b) by whom the land is owned or occupied, and (c) whatever land-use or land-use zone classification applies to the subject land.

3. **Policy Statement**

The Council acknowledges that the core reason for its existence is as a weed control authority for a designated region of NSW and within that region it must strive to achieve optimum (i.e. the best quality possible under the circumstances) levels of prevention, elimination, minimisation, and management of weed biosecurity risks.

The Council endorses the concept that the most effective approach to ‘good’ weed biosecurity risk management is achieved through a shared responsibility between government, industry and the community – a concept reinforced by the Biosecurity Act which imposes the same kind of biosecurity duty on every person, business or agency including the Crown entity in all of its forms.
The Council, in its role as the local control authority, will prefer to perform its inspection and enforcement duties in a supportive and cooperative manner - where landholders are aware (or when made aware) of their weed biosecurity duty accept responsibility and take appropriate action to significantly reduce any weed biosecurity risks. None-the-less for those landholders who reject or continue to ignore their weed biosecurity responsibilities, and/ or will not take appropriate action to significantly reduce any weed biosecurity risks, the County Council will not hesitate to use any one or more of the many compliance enforcement tools available to it in order to protect the greater community good.

4. **Weed Biosecurity Duty**

The NSW Biosecurity Act (2015) imposes a strict weed biosecurity duty on any person that is the owner or occupier of any land. Landholders (public and private) and co-existing land users as applicable all have the following range of responsibilities:

- detect and report new weed occurrences;
- control and manage weeds to mitigate, as necessary, the impacts on their own assets, or as required by regulation;
- take reasonable steps to minimise the impacts of weeds on other landholders, particularly through participation in programs of collective industry or community-led action, and on people and the broader environment;
- identify and manage all biosecurity risks, including risks associated with goods, vehicles and people entering the property;
- implement weed seed hygiene procedures to minimise establishment or spread of high risk weed species;
- cooperate with and plan weed management activities jointly with neighbours, including state, territory and local governments, within a landscape scale/cross-tenure approach; and
- apply knowledge and skills to improve weed management and understand the need to use multiple approaches (e.g. chemical, physical, biological) to prevent weeds from adapting to existing controls.

5. **Procedures and Guidelines**

The Council authorises the General Manager to prepare and amend as necessary, any procedures and guidelines that are considered necessary from time to time to ensure the proper operational implementation of this policy.

Such procedures and guidelines will be provided to the Council for information at the Council Meeting following the initial preparation and thereafter following any substantive change to those procedures/guidelines.

For the time being (unless and until they are replaced by other procedures) the following NSW Department of Primary Industries biosecurity procedures are authorised by this policy to the extent that they are not in conflict with Council’s policy or procedures and to the extent that they relate to weeds biosecurity:
6. Application of this Compliance & Enforcement Policy

This Policy applies directly to an authorised officer of the Upper Macquarie County Council. This Policy will be applied by an authorised officer of the Upper Macquarie County Council, in relation to any owner or occupier of land in the area of operations of the County Council where, after due inspection/investigation the subject land is found to have a weed biosecurity risk—typically associated with an infestation of national, state or locally significant weeds.

It should be noted that any weed biosecurity risk is by definition an offence under the NSW Biosecurity Act (2015) and hence in that context this Policy refers to ‘compliance’ and ‘enforcement’ even when referring to ‘low’ levels of weed biosecurity risk.

7. Principles of Compliance & Enforcement

The core principles of Council’s approach to regulation and compliance (regardless of the level of weed biosecurity risk) will be based on the following:

Targeted Actions

The compliance enforcement actions of the Council will be according to a risk based approach giving priority to addressing and responding to higher risk situations - where the probability of harm and the consequence of that harm are greatest in the foreseeable future. Conversely, those situations that are lower risk - where the probability of harm and the consequence of that harm are less in the foreseeable future will be given lower priority. [Note: the ‘priority’ relates primarily to the relative severity of the biosecurity threat.]

Accountable Decision-making.

The compliance enforcement actions imposed or otherwise initiated by the Council, and the reasons for such actions, will be made as clear as possible to the landholder the target of those actions and where applicable the person reporting the non-compliance. [Note: there are a number of constraints that might limit the extent to which some information can be shared]

Consistent Procedures.

The compliance enforcement actions of the Council will be consistently applied according to applicable regulatory guidelines and approved procedures. [Note: often the guidelines and procedures may require some steps in the process to be tailored to suit the specific circumstances of each situation.]

Proportional Response.
When determining the appropriate compliance enforcement response to a particular biosecurity matter the Council will endeavour to take into account any mitigating circumstances, however the level of identified biosecurity risk will be the main factor involved. [Note: the underlying legislative approach focuses on risk based decision-making by local control authorities.]

**Transparent Actions.**

The compliance enforcement actions of the Council will be administered as transparently as possible with a view to supporting procedural fairness, and enhancing the public view and understanding of the biosecurity function. [Note: taking into account privacy and other legal imperatives.]

**Timely Implementation.**

The compliance enforcement actions of the Council will be undertaken in a timely manner, without undue delay. [Note: needs to be consistent with relevant legislative, regulatory or procedural requirements.]

8. **Biosecurity Risk Management System**

A key objective of the Biosecurity Act (2015) is to provide a framework for risk-based decision-making in relation to biosecurity. While Council’s risk management will be generally according to the Australian Standard for risk management principles and guidelines, its risk management system will be tailored to best reflect the specific nature of its area of operations and its duties and obligations relating to weed biosecurity.

The Council’s approach to dealing with weed biosecurity matters will be based on a dynamic risk management model involving: (a) a structured inspection regime; (b) a site sensitive property risk rating tool; (c) a property compliance level matrix; and (d) an enforcement options guide.

The structured inspection regime is set out as a flow chart in the appendices as **Table 1: Weed Biosecurity Property Inspection Process.** This inspection regime is the foundation to the risk management system as it sets out the 4-stage inspection cycle which facilitates the periodic detailed identification of any weed biosecurity risk for a particular property and subsequently any changes attached thereto. At the same time each successive inspection provides the necessary field data/information update to establish a current weed biosecurity risk rating for that property [See appendices Table 2: Property Weed Risk Rating Tool]. When the current weed biosecurity risk rating for the property is linked with the relevant stage in the inspection cycle, a current weed biosecurity compliance rating can be assigned [See appendices Table 3: Property Compliance Matrix]. Once the current property compliance rating has been established, the current range of appropriate ‘enforcement’ actions that might be applied in relation to the owner or occupier of that property is revealed [See appendices Table 4: Enforcement Action Guide].

The model retains an essential underlying requirement for review and discretion to be applied during the enforcement process.
9. Weed Biosecurity Risk Priorities

The Council does not have sufficient resources to inspect every property in its area of operations on a frequent basis, and hence, consistent with the intent of the Biosecurity Act (2015) it applies a risk management approach to establishing the priorities for which properties with weed biosecurity risks it concentrates effort and which it leaves for another day.

Council’s risk management model will (in addition to being used to support the implementation of the Councils stated enforcement and compliance principles) also be applied to objectively allocate limited inspectorial and enforcement resources to those situations that will yield the best overall community value from Council’s biosecurity efforts. In essence the properties with the highest risk weed biosecurity matters and correspondingly low levels of compliance by a landowner with their weed biosecurity duty also dictates the highest priority for allocation of inspectorial and enforcement resources [See appendices Table 5: Enforcement Priority Table].

This approach not only provides a logical basis for setting operational priorities and explaining the biosecurity situations that are or are not current targets, but also has the flexibility to facilitate prompt enforcement and compliance activity escalation or de-escalation as applicable - when and if established resource levels either increase or decline.

10. Reports & Observations of Biosecurity Matters

Council staff receiving information about alleged or apparent unlawful activity in relation to biosecurity matters – whether from members of the public, contact from other government agencies, or from officers during proactive inspectorial activities must enter that information in the designated reports register. Council will only receive a report from a person if they provide the minimum amount of necessary information required by the Council as set out in the relevant current procedures and guidelines.

Based on a preliminary offence level assessment, a risk rating will be assigned to establish the priority for further investigation by an authorised officer. Not all reports will justify an on-site field investigation. Sometimes the risk associated with a biosecurity matter may be so low it does not justify the allocation of scarce resources, and other times the matter will already be a compliance target with enforcement action underway.

Generally all reports from the public and other government agencies should be responded to in a timely manner, and where no on-site field investigation is intended or the matter will take a long time to resolve interim advice should be provided to the reporter.

Decisions as to what action should be taken by council are made at the council’s discretion. That is, reports of alleged unlawful weed biosecurity situations will be resolved to the Council’s satisfaction – not necessarily the person or agency raising the matter.
Council staff will need to manage the expectations of people who report alleged unlawful weed biosecurity situations as apart from a possible misunderstanding of the situation, Council also has limited resources to deploy and Council may be restricted by legal requirements.

People reporting allegations of unlawful weed biosecurity situations should normally expect that their identities remain confidential from the subject of their report. However in extenuating circumstances (such as reports of selling or transporting or propagating weeds of national significance) where part of the evidence is the initial report – council may be required to disclose that information in a number of situations including if a matter goes to court.

11. Compliance Requirements

Compliance for the purposes of this policy refers to the standard set out or otherwise required of a person by the relevant legislation, regulation or other standard set with regards to WEED biosecurity and is refined by the Council’s understanding of the WEED biosecurity outcome it seeks to achieve in various situations in a risk management context.

The measures of compliance status will usually result from a site inspection report by an authorised officer according to Council guidelines. The compliance outcome is the end-state for a given biosecurity situation that the council has determined is required under the circumstances based on the biosecurity risk model approved by the Council.

12. Enforcement Actions

Enforcement for the purposes of this policy includes all and any substantive actions that council takes seeking to prevent or minimise harm that might result from a weed biosecurity risk situation and /or to influence a behaviour change associated with an unlawful weed biosecurity situation for the common good on behalf of the community.

The typical range of enforcement options available to council will range from advice and education initiatives, supporting voluntary undertakings, issuing formal directions, the issuing of penalty infringement notices, and as applicable taking legal proceedings in the relevant court. [See appendices Table 6: Enforcement Hierarchy Diagram].

Enforcement action by Council commences when a weed biosecurity risk is first identified on a property, and depending on the biosecurity status of the property and the biosecurity record of the landholder may either progress slowly or quickly through the following two key compliance phases as follows:

a) During the cooperative compliance phase (includes the initial inspection and re-inspection stages) actions taken by council will typically seek to assist and persuade a person to achieve a compliance outcome – provided a satisfactory degree of cooperation is evident and suitable biosecurity risk reduction is achieved in a timely manner, and
b) During the *forced compliance phase* (where there is an unsatisfactory response to actions in the cooperative compliance phase) actions taken by council will seek to force a person to achieve the required compliance outcome or if necessary punish them for not doing so.

The council will generally try to deal with weed biosecurity risks within the cooperative phase of enforcement action, unless there is clearly little likelihood of compliance with such approach. Should initial cooperative compliance enforcement action be found to be ineffective, council will then consider enforced compliance options including legal action. Any enforcement outside the enforcement decision flow chart standard action, including accelerating the process or taking more than one approach simultaneously, will be at the informed discretion of the General Manager.

Where particular enforcement action is taken in relation to *Compliance Levels* 2, 3, or 4 the council will review and monitor the situation from time to time at an appropriate frequency to ensure the required level of compliance.

13. **Acceptance of Undertakings**

On a case-by-case basis, before council accepts any Weed Biosecurity Undertaking from a landholder the Chief Weeds Officer must submit to the General Manager a brief issues paper setting out the status of the weed biosecurity situation and reasons for proposing to accept the relevant undertaking. Formal concurrence of the General Manager is required in order to accept an undertaking.

14. **Issue of Directions, Penalty Notices**

On a case-by-case basis, before council issues a Weed Biosecurity Direction Notice or a Weed Biosecurity Penalty Infringement Notice to a landholder the Chief Weeds Officer must submit to the General Manager a brief issues paper setting out the status of the weed biosecurity situation and reasons for seeking to issue the relevant notice. Formal concurrence of the General Manager is required in order to issue such a notice.

15. **Prosecution of Property Owners**

On a case-by-case basis, before council take action to prosecute a landholder in Court because of a confirmed case involving a serious unlawful weed biosecurity matter, the General Manager will consider the full circumstances and facts of the matter and the public interest.

The Council’s pre-enforcement procedures will set out how the following matters will be taken into consideration:

a) The alleged offence and impact;

b) The alleged offender;

c) The impact of enforcement;

d) The potential for remedy;

e) Any complexity that might require legal or technical support; and

f) Whether or not the matter is compromised by a lack of evidence or process.
The General Manager will obtain legal support to prosecute a weed biosecurity matter in the Local Court, and will consider the following matters before commencing such action:

  a) The sufficiency of evidence to establish a case;
  b) The extent to which success before a court is reasonable;
  c) The financial costs and resource time involved;
  d) The time limitations (if any) to taking legal action; and

The General Manager may seek legal advice in deciding whether or not to commence legal proceedings in the District Court or Land & Environment Court and will consider the following:

The General Manager will consult with the Council, and will obtain Council approval, before commencing any weed biosecurity legal action against a landholder in a Court. [The issuing of Penalty Infringement Notices does not require the prior approval of the Council.]

16. **Land and Landholder Status**

Council will generally approach its weed biosecurity activities as a local control authority with respect to private landholdings and public land holdings in the same manner, albeit allowing for minor procedural differences taking into account the bureaucratic and remote nature of some public landholders.

17. **Role of Councillors**

Decision-making relating to the investigation of reports alleging unlawful biosecurity situations and the taking of enforcement action is the responsibility of the General Manager and appropriately authorised officers or the Council itself. Individual councillors have no role to play in the day-to-day activities of authorised officers in inspection or enforcement, nor will they undertake these functions themselves, or seek to direct or otherwise influence authorised officers involved in inspection or enforcement activities.

It is however recognised that the normal role of Councillors includes receiving representations, dealing with complaints, and discussing with ratepayers and constituent councils matters associated with weed biosecurity. In this context any Councillor wishing to formally raise or otherwise have council deal with a specific weed biosecurity matter should coordinate with the Chief Weeds Biosecurity Officer - this includes in relation to identifying, relaying, inspecting and reporting apparent weed biosecurity risks.

The Council’s General Manager may present certain decisions to be ratified by the Council if this is necessary or desirable, and Councillors may call for a report on particular weed biosecurity issues to a Council meeting.

By resolution of Council, it may also be that some Councillors are delegated a political / lobbying / representational role in dealing with public landholders and associated responsible Ministers of the Crown.
18. **Authorised Officers**

The Biosecurity Act (2015) specifies the pre-requisites for a person to perform the duties of an authorised officer under the Act.

The Council as the Local Control Authority under the Biosecurity Act (2015) has delegated to the General Manager, authority to appoint suitably qualified members of council’s staff as *authorised officer* for the purposes of the Act.

An authorised officer found to not be acting properly in accordance with this Policy or in contravention of the Act or regulations may have their authorised officer delegation revoked – with or without notice depending on the extent of the transgression.

19. **Approvals**

This Policy in order to become effective must be approved by the General Manager and then be adopted by the Council.

In this policy ‘Council’ means the Upper Macquarie County Council in its capacity as the body politic, and ‘council’ means the General Manager acting on behalf of the Council as its delegate or an *authorised officer* of the Council.

20. **Review**

As per Section 4 of this policy, from time to time the council may make changes to this Policy and associated procedures and guidelines to improve the effectiveness of its operation or to meet new provisions in any relevant legislation.

21. **Further Assistance**

Further information on this policy will be detailed in the Councils Biosecurity Compliance & Enforcement procedures and guidelines as required. Any staff member who requires assistance with this Policy should in the first instance consult their supervisor.
15. Appendices

Table 1 – Property Inspection Process.
Table 2 – Property Weed Risk Rating Tool.
Table 3 – Property Compliance Matrix.
Table 4 – Enforcement Action Guide.
Table 5 – Enforcement Priority Table.
Table 6 – Enforcement Hierarchy Diagram.
### Table 1 – Property Inspection Process.

#### WEED BIOSECURITY - Risk Management System

**TABLE 1: Property Inspection Process**

<table>
<thead>
<tr>
<th>Inspection (1)</th>
<th>(A) Assess WEED BIOSECURITY RISK for Property. [Refer to Table 2 - Weed Risk Scoring]</th>
</tr>
</thead>
<tbody>
<tr>
<td>Biosecurity Risk = 0_NONE</td>
<td>[C] Assign a Weed Compliance Rating to the Property. [Refer to Table 3 for Compliance Ratings]</td>
</tr>
<tr>
<td>BIOSECURITY Risk = 0_NONE</td>
<td>[C] Identify Enforcement Options for Property. [Refer to Table 4 - Weed Action Guide]</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Inspection (2)</th>
<th>(A) Assess WEED BIOSECURITY RISK for Property. [Refer to Table 2 - Weed Risk Scoring]</th>
</tr>
</thead>
<tbody>
<tr>
<td>Biosecurity Risk = 1_LOW</td>
<td>[C] Assign a Weed Compliance Rating to the Property. [Refer to Table 3 for Compliance Ratings]</td>
</tr>
<tr>
<td>Biosecurity Risk = 1_LOW</td>
<td>[C] Identify Enforcement Options for Property. [Refer to Table 4 - Weed Action Guide]</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Inspection (3)</th>
<th>(A) Assess WEED BIOSECURITY RISK for Property. [Refer to Table 2 - Weed Risk Scoring]</th>
</tr>
</thead>
<tbody>
<tr>
<td>Biosecurity Risk = MEDIUM</td>
<td>[C] Assign a Weed Compliance Rating to the Property. [Refer to Table 3 for Compliance Ratings]</td>
</tr>
<tr>
<td>Biosecurity Risk = MEDIUM</td>
<td>[C] Identify Enforcement Options for Property. [Refer to Table 4 - Weed Action Guide]</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Inspection (4)</th>
<th>(A) Assess WEED BIOSECURITY RISK for Property. [Refer to Table 2 - Weed Risk Scoring]</th>
</tr>
</thead>
<tbody>
<tr>
<td>Biosecurity Risk = HIGH</td>
<td>[C] Assign a Weed Compliance Rating to the Property. [Refer to Table 3 for Compliance Ratings]</td>
</tr>
<tr>
<td>Biosecurity Risk = HIGH</td>
<td>[C] Identify Enforcement Options for Property. [Refer to Table 4 - Weed Action Guide]</td>
</tr>
</tbody>
</table>

**END of WEED Biosecurity Risk Process PHASE**

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END of WEED Biosecurity Risk Process PHASE

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END of WEED Biosecurity Risk Process PHASE

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END of WEED Biosecurity Risk Process PHASE

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END of WEED Biosecurity Risk Process PHASE

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END of WEED Biosecurity Risk Process PHASE
Table 2 – Property Weed Risk Rating Tool.

<table>
<thead>
<tr>
<th>Property Weed Risk Rating Tool</th>
<th>Inspection Data</th>
<th>Weighting Factor</th>
<th>Calculation</th>
<th>Components</th>
<th>Result</th>
</tr>
</thead>
<tbody>
<tr>
<td>Property Total Size (Ha)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Index</td>
</tr>
<tr>
<td>Portion of Property with Weed Invasion (Average (% 1 to 100) with any obvious weed invasion)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>WEED RISK RATING level</td>
</tr>
<tr>
<td>Number of Weed Species on State or National Priority List</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>sum(G11:G16)</td>
</tr>
<tr>
<td>Intensity of worst invasion (1 ha sample) by % of ground covered (1 to 100)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1 Risk Score.1</td>
</tr>
<tr>
<td>Invasion Risk to Neighbours: better, worse or same condition as Adjoining Property Average (-1, 0, +1)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>2 Risk Score.2</td>
</tr>
<tr>
<td>Evidence of Weed Mitigation Work Done or Underway (0, 1, 2)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>3 Risk Score.3</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>4 Risk Score.4</td>
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</tbody>
</table>
### WEED BIOSECURITY - Risk Management System

**TABLE 3: Property Compliance Matrix**

<table>
<thead>
<tr>
<th>Property Complaince Level</th>
<th>Property Weed Risk Rating (From Inspection)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Risk_Score 1</td>
</tr>
<tr>
<td>1st Inspection</td>
<td>1_HIGH_COMPLIANCE</td>
</tr>
<tr>
<td>2nd Inspection</td>
<td>1_HIGH_COMPLIANCE</td>
</tr>
<tr>
<td>3rd Inspection</td>
<td>1_HIGH_COMPLIANCE</td>
</tr>
<tr>
<td>4th Inspection</td>
<td>1_HIGH_COMPLIANCE</td>
</tr>
<tr>
<td>Landholder Weed Biosecurity Compliance Rating</td>
<td>Cooperative Compliance Tools</td>
</tr>
<tr>
<td>---------------------------------------------</td>
<td>-----------------------------</td>
</tr>
<tr>
<td></td>
<td>Make Aware of Biosecurity Duty</td>
</tr>
<tr>
<td></td>
<td>Make Education Material Available</td>
</tr>
<tr>
<td></td>
<td>Provide Basic Technical Advice</td>
</tr>
<tr>
<td></td>
<td>Provide Specialist Technical Advice</td>
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<tr>
<td></td>
<td>Agree to assist with Physical Control</td>
</tr>
<tr>
<td></td>
<td>Agree to include in program</td>
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<tr>
<td></td>
<td>Agree to voluntary undertaking</td>
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<tr>
<td></td>
<td>Issue Direction Notice</td>
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<td></td>
<td>Issue Penalty Notice</td>
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</tbody>
</table>

| Levels of Decision Making | |
|---------------------------| |
| Individual authorised officer uses discretion | Chief Biosecurity Weeds Officer discretion | Chief Weeds Officer with General Manager concurrence | General Manager with Council concurrence |

**Table 4 – Enforcement Action Guide.**

**WEED BIOSECURITY - Risk Management System**

**TABLE 4: Enforcement Action Guide**
Table 5 – Enforcement Priority Table.

**WEED BIOSECURITY - Risk Management System**

**TABLE 5: Enforcement Priority Table**

<table>
<thead>
<tr>
<th>Enforcement Work Priority</th>
<th>Property Weed Risk Rating (From Inspection)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Risk_Score 1</td>
</tr>
<tr>
<td>1st Inspection</td>
<td>LOW PRIORITY</td>
</tr>
<tr>
<td>2nd Inspection</td>
<td>LOW PRIORITY</td>
</tr>
<tr>
<td>3rd Inspection</td>
<td>LOW PRIORITY</td>
</tr>
<tr>
<td>4th Inspection</td>
<td>LOW PRIORITY</td>
</tr>
</tbody>
</table>
Table 6 – Enforcement Hierarchy Diagram.

**WEED BIOSECURITY - Risk Management System**

**TABLE 6: Enforcement Hierarchy Diagram**

**Finding (ANY) @ Initial Inspection**
- A Weed Biosecurity Matter is identified (for the first time)
- The Biosecurity Matter
  - (is at any risk level)

**Finding (ANY) @ 2nd Inspection (1st RE-Inspection)**
- Untimely or NO response to LCA requests
- Tardy or reluctant compliance efforts
- Poor progress tackling Biosecurity Matter
- Avoiding communications with LCA
  - The Weed Biosecurity Matter
    - (is at any risk level)

**Finding (ANY) @ 3rd Inspection (2nd RE-Inspection)**
- Failure to fulfill Enforceable Undertakings
- Failure to comply with Biosecurity Direction
  - (Criminal Offence Category 2)
- Obstructing LCA duties and functions
- Failure to pay fees, penalties or costs
  - The Weed Biosecurity Matter
    - (is at HIGH or HIGHEST risk level)

**Finding (ANY) @ 4th Inspection (3rd RE-Inspection)**
- Undertaking serious detrimental biosecurity activities
- Protecting or ignoring serious biosecurity matters
- Deliberate, ongoing and negligent failure to meet biosecurity duties
  - The Weed Biosecurity Matter
    - (is at HIGHEST risk level)

**Enforced Compliance**
- Local Court Prosecution (to recover fees or costs)
- Local Court Prosecution (for breach of biosecurity duty)
- NSW Registrar
  - General
    - Cost Recovery Order - Charge against the Land

**Cooperative Compliance**
- Provide or Direct to Biosecurity Information
- Warnings and Follow-up Inspections
- Agree to Undertake Private Works in conjunction with landholder
- Provide or Direct Biosecurity Advice
- Inspect Land and Provide Biosecurity Advice
- Agree to Undertake Biosecurity Undertaking
- Issue Biosecurity Penalty Infringement Notice
- Issue Individual Biosecurity Direction
- Enter Property and Undertake Biosecurity Works
- Agree to Enforceable Biosecurity Undertaking

**District Court**

**Land & Environment Court**

**Prosecution (for breach of biosecurity duty)**

**Prosecution (to recover fees or costs)**

**Referals to further information, suppliers or contractor lists.**

**Fee for Service Follow-up Support**

**Explain Biosecurity Duties and Actions Required**