

**Submission
No 5**

EFFICIENCY AND EFFECTIVENESS OF THE AUDIT OFFICE OF NSW

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**Submission by the Serrated Tussock Working Party for NSW & ACT Inc. to the
Inquiry into the efficiency and effectiveness of the Audit Office of NSW.**

The Serrated Tussock Working Party for NSW & ACT Inc. is a landholder-based association concerned with the spread of this particular noxious weed. Serrated tussock, a declared Weed of National Significance and a native of South America, is highly invasive and has significant detrimental effects on agriculture, land management and biodiversity. Its spread is continuing, regardless of present weed control efforts.

Our major concern is that the Audit Office does not conduct performance audits of administration of the *Noxious Weeds Act*, and in fact, no one does. There is no oversight or coordination of the weed control effort; there are no state-wide performance standards to ensure that weeds, which easily cross local government boundaries, are controlled in uniformly effective ways.

The only measure of effectiveness that weed control authorities promote is the amount of money spent on weed control, often represented by the number of property inspections carried out. As a performance measure this is illusory since it does not measure the results of the work done: the real change in weed load. There is no annual reporting that measures state-wide performance or the impact of weed control efforts.

The Noxious Weeds Act 1993, Section 35 states: *“(1) The local control authority for land within a local government area is the council of the local government area or, if noxious weed control functions for that area have been conferred on a county council under any other Act, the county council having those functions.”*

The performance of many of these control authorities is a major concern for this association as well as participants in agriculture, land managers and all concerned with biodiversity in the State. Our experience is that there is a wide divergence in the performance of councils in their administration of the Noxious Weeds Act. Some councils have promoted cooperative and active attitudes by residents to weed control while for others there is widespread disdain. An example of the latter is where the General Manager of a county council at a public meeting declared that his council no longer prosecuted anyone for breaches of the Act. While prosecutions should not be the first response, a blanket policy against prosecution means there is no further action possible when, as will happen in some cases, education, warning and counselling fail.

A person whose land straddles a council boundary faces the ludicrous situation where he might be prosecuted for inaction on part of his property, but winked at for the same inactivity only a few metres away and this only due to bureaucratic fiat and a lack of state-wide performance standards.

The cost of weed control activity for many councils is not high compared to the overall budget, yet it is difficult to determine what is being spent from figures provided by the Division of Local Government (DLG). The DLG subsumes weed control activities under Environmental Management Services which includes *“...major activities relating to environmental management such as noxious plants and insect/vermin control, solid waste management, street cleaning, drainage, stormwater management and other environmental protection.”*¹

¹ Comparative Information on NSW Local Government Councils 2010/11 (p.113),
NSW Division of Local Government, Department of Premier and Cabinet 2012

A weeds county council is a single purpose entity administering the Noxious Weeds Act and relies for its effectiveness on the skills, abilities and enthusiasm of its staff and the guidance of the councillors who are elected from the members of the constituent councils. Such councillors will always have differing aptitudes and technical knowledge of the local weed problems, but this variation can be compensated by adoption of universal performance standards which will inform their deliberations and help to promote effective operations.

A general concern follows council amalgamations where there has been a decrease in representation from rural districts since the majority of candidates and electors reside in urban areas. The result has been a decrease in awareness of the weed problems. The amalgamation process is apparently going to continue and will exacerbate the lack of awareness experienced to date.

It is significant that the DLG's comparative information on councils lists all local councils except County Councils. Obtaining any comparative information on county councils is almost impossible and in most cases requires contacting each council individually since most do not publish detailed information on their websites. This underscores the lack of uniform performance, and emphasises a lack of transparency in public affairs.

There are eight weeds County Councils in NSW, but only three publish their financial information on websites.² Information from these three indicates that their major funding is split almost 50/50 between grants from Federal and State sources and contributions from their constituent Councils. It seems that the Audit Office might only be able to enquire about the expenditure of the State's portion of the grant income since it might be part of an audit of a contributing State government department. Contributions from the constituent councils would seem to be out of bounds since local government is not currently part of the Audit Office's jurisdiction.

Section 35 of the Noxious Weeds Act linked with the current Public Finance & Audit Act implies that oversight of all weed control activity in NSW can only be conducted by the Division of Local Government, and since it is such a small part of local government affairs this area of activity escapes meaningful scrutiny and has fallen through the cracks.

Because weed control is crucial to agriculture, land management and biodiversity and yet plays such a small part of the local government budget there is an urgent need for one overall body to guide, coordinate and unify the performance of weed control in NSW by establishing state-wide performance standards, and such a role would surely be for the Department of Primary Industries.

Performance audits of these standards, all weed control authorities and the administration of the Noxious Weeds Act we strongly recommend should fall to the Audit Office of NSW.

Peter Stark

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² New England Weeds Authority, Upper Hunter County Council and Upper Macquarie County Council.