



# Weeds and CSG

## Problems of Co-Existence

# CLASS 2 DECLARED WEEDS

- African Boxthorn
- Groundsel
- Mother of Millions
- Parthenium
- Prickly acacia
- Prickly pear
- Rats tail grasses

## LOCAL COUNCIL WEED OF CONCERN

- African Lovegrass

# LAND PROTECTION (PEST AND STOCK ROUTE MANAGEMENT) ACT 2002

## 45 Supplying things containing reproductive material of particular declared pest plants

(1) A person (a “supplier”) **must not supply** any thing containing reproductive material of a plant that is—

- (a) a class 1 pest; or
- (b) **a class 2 pest** prescribed under a regulation for this section.

*Examples of ‘thing’—*

Fodder, grain, **gravel, machinery**, mulch, packing material, sand, soil, stock, vehicles or **water**.

(2) A supplier does not commit an offence against subsection (1)(b) if, **before supplying the thing**, the supplier gives the person to whom it is supplied a written notice stating the following—

- (a) the supplier’s name and address;
- (b) the thing **may contain** the reproductive material of a class 2 pest;
- (c) the name of the class 2 pest.

## 46 Moving or transporting vehicles and other things on roads

(1) This section applies to a person **who moves or transports a vehicle or other thing on a road** if the person **knows, or ought reasonably to know**, soil or other organic material in or on the vehicle or thing is likely to contain the reproductive material of a declared pest plant.

(2) The person must not, without reasonable excuse, move or transport the vehicle or thing **unless the person has taken reasonable steps**—

- (a) to restrict the release of the reproductive material when the vehicle or thing is moved or transported; or
- (b) to **ensure the vehicle or thing is free of the reproductive material**.

# PETROLEUM INDUSTRY

(INCLUDING COAL SEAM METHANE GAS)

## MINIMISING PEST SPREAD ADVISORY GUIDELINES

Petroleum Industry – Pest Spread Minimisation Advisory Guide. June 2008  
Original copy housed at Invasive Plants & Animals, Biosecurity Queensland, DPI&F

### Introduction

This advisory guideline was developed to enable the petroleum industry, which includes coal seam methane developers, to show leadership in the area of environmental management.

The aim of this guideline is to assist individual petroleum operators to develop systems which will enable them to meet legislative requirements and best practice in minimising the spread of pests (principally weeds and insects) in areas where their activities occur. This guideline provides processes which companies may utilise in order to meet their pest management requirements under the Code of Environmental Compliance for Petroleum Exploration and Production.

This advisory guideline has been developed in consultation with various stakeholders including:

- Biosecurity Queensland, Department of Primary Industries and Fisheries (DPI&F)
- Local government
- Industry representatives
- Queensland Murray Darling Committee
- Australian Petroleum Production and Exploration Association (APPEA).

This document has received endorsement from the Australian Petroleum Production and Exploration Association (APPEA).

*"I commend these new guidelines to you for your consideration in developing your own pest management strategies"*

Mark McCallum,  
Director Industry Operations  
APPEA

The guideline covers the following key areas:

1. Training
2. Managing pest spread
3. Managing pest infestations
4. Reviewing and Monitoring effectiveness of actions

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# RISK MATRIX – FROM ADVISORY GUIDELINES

Operators actions		Potential contact with weeds		
		Dense infestations. Contact with weeds unavoidable	Large numbers of scattered plants or clumps of weeds that can be driven or walked around. Contact probable	Small patches of weeds or individual plants. Easily avoided. Contact with weeds feasible.
Risk		High	Medium	Low
H	Drove off road through vegetation. Walked extensively through vegetation. Worked in muddy and wet conditions. Worked amongst plants where seeds are visibly present.	Full Clean	Full Clean	Wash down
M	Drove on unsealed roads. Pulled onto the road shoulder. Had some contact with vegetation either on foot or with the vehicle.	Full Clean	Wash down	Wash down
L	Travelled on sealed roads only. Did not walk off designated paths.	Visual Inspection and shake down	Visual Inspection and shake down	Visual Inspection and shake down

Details of what is required for a *Full Clean*, *Wash down* and *Visual Inspection* appear on the next page.

Full Clean	Wash down	Visual Inspection and shake down
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Vehicle is cleaned from bumper to bumper using appropriate methods which may include hosing down, vacuuming or compressed air blowers. Vehicle components that can harbour vegetative material are removed and cleaned. Particular attention is paid to carpets, floor mats and seats within the vehicles cab. The cleaning would be done in a designated clean down facility. All effort is must to remove all contaminates from the vehicle before it leaves an infested area. The operator is obliged to take all necessary steps to ensure that no contaminates are attached to clothing including boots, laces, sock, trouser turnups, seems, shirt cuffs or pockets. Contaminated clothing to be removed, shaken out, cleaned and thoroughly inspected prior to leaving the site. Particular attention should be paid to storage areas on the vehicle including tool boxes. If necessary the vehicle should be inspected by a third party to ensure that the risk of weed spread is reduced to an absolute minimum.

All exposed areas of the vehicle are cleaned using compressed air, vacuum, brush or a high pressure spray. Particular attention is paid to the carpets, floor mats and seats within the cab, wheel wells, running boards and radiator. Operator must ensure that prior to leaving a contaminated area all clothing (boots, socks, pants, pockets, laces and shirts), toolboxes and storage compartments are free of contaminates. Wash down should be conducted at a designated wash down facility. All reasonable effort must be made to ensure that both the operator and the vehicle, toolboxes and equipment are free of contaminates prior to leaving an area.

A visual inspection of the vehicle is made, including the radiator, wheel wells, running boards and particularly the carpets, floor mats and seats within the cab. Any suspicious seeds are brushed off prior to leaving a site. If seeds or vegetative materials are found or cannot easily be removed and disposed of, the vehicle is taken to a designated clean down facility within the core infestation area and procedures under the "wash down" recommendation are followed. The operator must ensure that all personnel effects including toolboxes, equipment and clothing are free of contaminates prior to moving off site.





# Land protection (Invasive Plants and Animals) Fact Sheet Pest Strategies Information Sheet September 2007

*“**Owners are responsible** for controlling weeds and meeting control costs, with local government assistance”*

*“The **fundamental legislative obligation** is the **Obligation to keep land free of pests (Weeds)**” as stipulated in Section 77 of the Act :*

## **77 Obligation of land owners**

**(1) A land owner must take reasonable steps to keep the following land free of class 1 and class 2 pests**

# GAS COMPANY WEED LITIGATION DEFENCE

The defendant ..... says that:

- a) the plaintiffs **were able to negotiate the terms** of the Compensation Agreement entered into with the defendant, which included the Operations and the compensation regime for the compensatable effects set out in the Compensation Agreement;
- b) the plaintiffs **were and are able to inspect vehicles** owned or operated by the defendant or its agents that may enter the Property;
- c) the plaintiffs **were and are able to request a Weed Hygiene Declaration of any vehicle owned or operated by the defendant or its agents that may enter the Property**; and
- d) the **plaintiffs were accordingly reasonably able to protect themselves** against the risk that ALG would be spread to the Property by the defendant (and its agents') activities.

# LAND ACCESS CODE

Firstly, that a relevant person must take **all reasonable steps** to ensure that, in carrying out authorised activities, the person does **not spread** the reproductive material of a declared pest.

Secondly that a relevant person must **take all reasonable steps to ensure** that, **in entering or leaving land** in the area of a resource authority, the person does **not spread** the reproductive material of a declared pest.

Note — **For further information on preventing** the spread of declared pests see the document called 'Petroleum Industry–Pest Spread Minimisation Advisory **Guide**' published by the department in which the Land Protection (Pest and Stock Route Management) Act 2002 is administered.

Thirdly, a holder **must ensure each person acting for the holder** under a resource Act **washes down** vehicles and machinery **before entering** a landholder's land in the area of the resource authority, **if the risk of spreading a declared pest is likely to be reduced by the washing down.**

Fourthly, it requires that the holder **must keep** a record (the *wash-down record*) of all wash-downs under carried out during the period in which the holder is allowed access to the landholder's land, and importantly also provides that if asked by the landholder, the holder must give a copy of the wash-down record to the landholder.

**wash-down means the removal of reproductive material from a vehicle or machine using an appropriate cleaning process.**

## P&G ACT – SECTION 537C

1. In carrying out the review, the Land Court **may review** the original compensation **only to the extent it is affected by the change.**
2. If the Land Court **considers the original compensation is not affected** by the change, it **must not carry out or continue with the review.**
3. The Land Court may, after carrying out the review, decide to confirm the original compensation or amend it in a way the court considers appropriate

# GAS COMPANY WEED LITIGATION DEFENCE

“...in any event, the plaintiffs **are not entitled to the damages** sought as they are ‘compensatable effects’ pursuant to the Compensation Agreement as pleaded in paragraph 10 and by clause 1.3 of the Compensation Agreement the **plaintiff agreed that the compensation payable pursuant to the Compensation Agreement ‘shall be in full satisfaction of all present and future claims which the Owners may have resulting from the Operations’.**”

# GAS COMPANY WEED LITIGATION DEFENCE

The defendant:

- (a) **denies that it could prevent the risk of spreading ALG** to the Property as a consequence of its activities on the grounds that **there are numerous and various ways in which ALG is spread by nature and natural processes**; and
- (b) **says that the defendant did take reasonable steps to do so**, namely:
  - (i) **under the 'Access Rules' maintained by the defendant, all vehicles owned or operated by the defendant or its agents are to be weed free**;
  - (ii) the defendant **has in place a Pest and Weed Management Plan**, which includes the following reasonable steps to minimise the risk of spreading ALG onto the Property:
    - (1) the defendant's vehicles to avoid leaving designated access tracks or roads;
    - (2) the defendant's fleet vehicles to be thoroughly washed once per week and interiors cleaned thoroughly once per month;
    - (3) the defendant's or contractor's vehicle must have a current Weed Inspection Report or weed declaration when arriving on the defendant's land or leaving the defendant's private property for work purposes; and
    - (4) the provision of wash-down facilities; and
  - (iii) **the defendant ensures and monitors compliance with the Pest and Weed Management Plan**;

# GAS COMPANY WEED LITIGATION DEFENCE

.....to the extent that ALG is present on the Property, the introduction and spread of ALG was and is **caused by a number of factors, unrelated to the defendant**, including:

- (a) **vehicle, slasher and grader movements** (not controlled by the defendant or its agents) along road verges;
- (b) stock, water or **macropod** movements;
- (c) the plaintiffs' **own and guest movements** in respect of the Property;
- (d) the plaintiffs' own and guest vehicle movements; and
- (e) **the plaintiffs' own negligence by:**
  - i. **failing to have in place a system requiring every vehicle that entered the Property was washed down** in accordance with best practice to prevent the spread of weeds; and
  - ii. further, or alternatively, **failing to ensure and monitor compliance with a system that required every vehicle that entered the Property was washed down** in accordance with best practice to prevent the spread of weeds.

# GAS COMPANY WEED LITIGATION DEFENCE

The defendant denies the allegations contained in paragraph 21 of the statement of claim and says that:

- (a) **the plaintiffs were able to negotiate the terms of the Compensation Agreement** entered into with the defendant;
- (b) **the plaintiffs were and are able to inspect vehicles** owned or operated by the defendant or its agents that may enter the Property;
- (c) **the plaintiffs were and are able to request a Weed Hygiene Declaration** of any vehicle owned or operated by the defendant or its agents that may enter the Property; and
- (d) **the plaintiffs were accordingly reasonably able to protect themselves** against the risk that ALG would be spread to the Property by the defendant (and its agents') activities.