



Local Land
Services

Local Land Services Compliance & Enforcement Policy

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Disclaimer: The information contained in this publication is based on knowledge and understanding at the time of writing February 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 Local Land Services or the user's independent adviser.

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Introduction

Local Land Services (LLS) is committed to implementing a risk-based and outcome-focused approach to regulation, in order to limit the regulatory burden on landowners, businesses and the community. One of the key statewide strategies in the draft LLS State Strategic Plan is to deliver effective consent, compliance and enforcement services that educate and protect communities and industries from biosecurity risks.

As a new organisation, one of the important initiatives for LLS to undertake will be to use the Quality Regulatory Services Initiative as a means to consolidate these strategies into a single approach to regulation. This is a priority area of work for LLS and will be one of the initial steps it will take with regards to its regulatory responsibilities. This has been initiated by the Board of Chairs decision to develop an LLS Compliance and Enforcement Strategy.

This policy has been formulated in line with the Government's Quality Regulatory Services Initiative and will be refined and revised as LLS continues to mature.

Background on LLS

LLS commenced operation on 1 January 2014, bringing together the functions and activities of Catchment Management Authorities, Livestock Health and Pest Authorities and some agricultural extension and advisory services of the Department of Primary Industries (DPI). LLS provides advice and services to landholders and the community to improve:

- Biosecurity
- Agricultural production
- Emergency management
- Natural resource management.

As one organisation with services delivered through 11 regions (see map below), LLS brings a consistent approach to assisting rural and regional communities to be profitable and sustainable into the future. LLS has been established to respond to the needs of local landholders, industry groups and communities.

LLS regulatory responsibilities include both compliance and operational matters that are set out in legislation administered by LLS and also by other government authorities, and relate to matters such as native vegetation, animal biosecurity and welfare, invasive species and travelling stock reserves (TSRs).

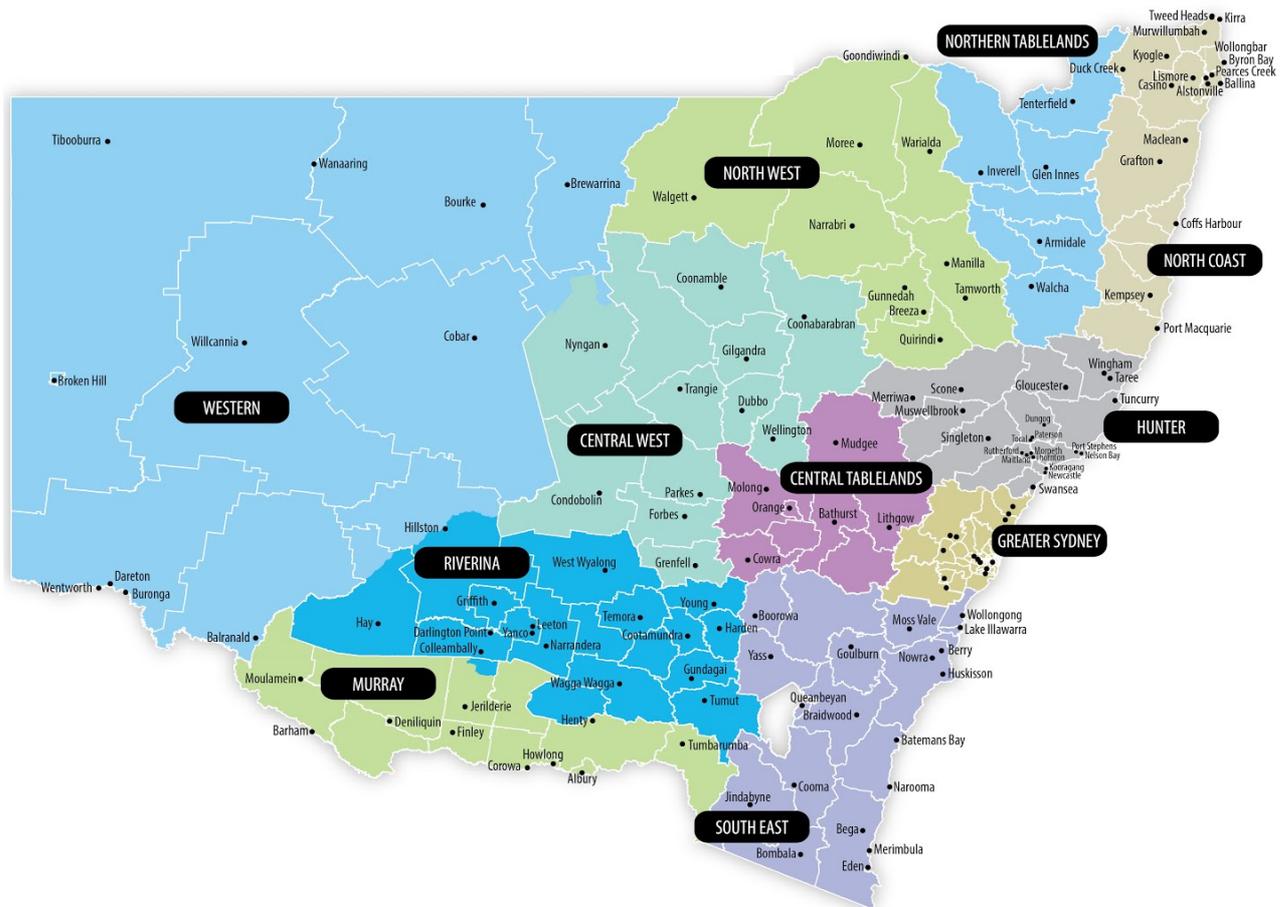
Local regional boards are comprised of Government appointed and rate payer elected Directors. The Boards have primary responsibility for the strategic direction of the organisation including service delivery, stakeholder engagement and community consultation..

The Board of Chairs, comprised of the Chairs of each of the 11 Boards and overseen by an independent Chair, is responsible for the delivery of statewide priorities and has an oversight, policy, procedural and agency interaction guidance role. Its establishment ensures that efficiency and effectiveness is maximised while local needs and priorities are addressed.

It is the primary role of the Board of Chairs to establish a Strategic Plan for LLS; describing the vision, mission and values of the organisation.

Each region has a General Manager who is responsible for operational performance and together they lead more than 800 staff in total, providing services to landholders and communities from offices in 94 cities and towns throughout NSW.

LLS is run by and employs local people like veterinarians, biosecurity officers, livestock, pastures, cropping and natural resource management advisors, and focuses on local issues and delivery of quality services in regional NSW. LLS staff interact with regional communities on a day-to-day basis via a variety of mechanisms.



Principles of Compliance & Enforcement

LLS regulatory responsibilities include both compliance and operational matters that are set out in legislation administered by LLS and also by other government authorities.

As a new organisation that is still evolving, the LLS principles of compliance and enforcement stem largely from the heritage organisations that have formed LLS. In time these principles will be re-aligned to ensure they capture the business and functions of LLS. A review of the current approaches to regulatory implementation across LLS reveals the following key themes and principles, however these may evolve over time.

A key guiding principle as LLS continues to meet the compliance and enforcement activities is to ensure a consistent collaborative approach is adopted when encouraging compliance. Typically a 3 step approach is implemented,

- communication to stakeholders detailing the requirement for a change to the process, legislation, etc
- formal warning letters, providing an opportunity to carry out activities correctly the next time
- finally an enforcement activity such as issuing an infringement notice.

LLS aims to avoid imposing unnecessary regulatory burdens on regional communities by using a mix of social, environmental, economic and regulatory tools to achieve the desired regulatory outcome. Through planning processes LLS will provide effective, consent, compliance and enforcement services that educate and protect communities and industries from biosecurity and environmental risks.

A critical component of this will be to continue to ensure LLS staff are equipped with the necessary knowledge and skills to undertake any function in relation to the regulatory activities of LLS. Currently a significant number of staff are trained to carry out these functions, the organisation needs to continue to ensure such opportunities are available.

In responding to non-compliance or operational matters, LLS officers are trained to clearly explain what the nature of the non-compliant activity is and set out the actions required or decisions taken to address the issue. The same approach is taken for operational matters.

LLS has a strong focus on understanding its clients and providing the highest level of customer service, officers continue to build on the already strong working relationships with communities and maintain a practical understanding of the regulated community’s needs. LLS has an established mechanism to communicate and consult with regional communities on all matters, including regulatory, via local community advisory groups.

LLS principles of regulation



Legislation

LLS is directly responsible for administration of the *Local Land Services Act 2013* and *Local Land Services Regulation 2014*. The following section describes LLS regulatory responsibilities under its own legislation and legislation administered by other areas of government.

Legislation	Ministerial administration	Related department	LLS regulatory functions
<i>Local Land Services Act 2013</i> and <i>Local Land Services Regulation 2014</i>	Minister for Primary Industries	Local Land Services	Regulatory functions under the LLS Act provide for the management and regulation of the use of travelling stock reserves (TSRs), declared pest animals and stock watering places (SWPs). In exercising its powers under this legislation, LLS must be consistent with and follow Biosecurity NSW policies and procedures, as specified by the Department of Primary Industries (DPI).
<i>Stock Diseases Act 1923</i>	Minister for Primary Industries	Department of Primary Industries	LLS functions under the <i>Stock Diseases Act</i> relate to protecting the economy, human health and the environment from risks associated with invasive species and diseases of animals. In exercising its powers under this legislation, LLS must be consistent with and follow Biosecurity NSW policies and procedures, as specified by the Department of Primary Industries (DPI).
<i>Stock (Chemical Regulations) Act 1975</i>	Minister for Primary Industries	Department of Primary Industries	Under this legislation, LLS is one of the industry and government bodies playing a role to protect economy, human health and the environment from risks associated with invasive species and diseases of animals.
<i>Native Vegetation Act 2003</i>	Minister for the Environment	Office of Environment and Heritage	In exercising its powers under this legislation, LLS must be consistent with and follow policies and procedures, as specified by the Office of Environment and Heritage.
<i>Impounding Act 1993</i> and <i>Impounding Regulation 2013</i>	Minister for Local Government	N/A	Under this legislation LLS can impound straying and unattended livestock on land managed by LLS.
<i>Firearms Act 1996</i> and <i>Firearms Regulation 2006</i>	Minister for Police	N/A	LLS can submit a notification letter to the Firearms registry communicating a campaign is taking place
<i>POCTA Act</i>	Minister for Primary Industries	Department of Primary Industries	In exercising its powers when dealing with livestock under this legislation, LLS must be consistent with and follow Biosecurity NSW policies and procedures, as specified by the Department of Primary Industries (DPI).

LLS's Regulatory Approach

LLS currently undertakes its regulatory functions based on the strategies that were already in place in the heritage agencies. As a result, LLS operates under the regulatory framework established by these agencies when undertaking its regulatory roles.

There are existing strategies and national obligations that currently guide the LLS approach to regulatory activities. Some are described below and will form the basis to the future strategic direction across LLS.

LLS strives to take a more risk-based approach to regulation across its activities and intends overtime to improve this through a more evidence base approach. In addition to this, LLS undertakes a range of operational activities that are considered Proactive Compliance that are in fact designed to reduce the number of incidents of non-compliance and therefore reduce the regulatory burden on regulated entities.

LLS will develop a framework that will consider risk at every stage of the decision making process. This will include identification of the most appropriate types of intervention or ways of working with regional communities, including when to undertake routine compliance checks and when to take enforcement action.

As LLS continues to mature, the opportunity will arise to ensure that consistent and clear information, guidance and advice is available to all clients and customers with regards to its regulatory responsibilities and activities. The legacy agencies had different regulatory roles and therefore in some cases, have developed separate processes for dealing with regulatory matters. LLS now has the opportunity to review, simplify and roll out consistently utilising the Quality Regulatory Services Initiative.

The following section provides further detail regarding some of the current regulatory compliance and operational activities of LLS.

Travelling stock reserves

LLS manages over 500 000 hectares of TSRs in NSW. TSRs provide pasture reserves for travelling or grazing stock. These reserves can be beneficial in times of drought, bushfire or flood. They are also used for public recreation, apiary sites and for conservation. LLS manages the land to strike a balance between the needs of travelling or grazing stock and the conservation of native species.

Pests

A pest control order may be made by the Minister on the Minister's own initiative after consultation with LLS or at the request of LLS. Part 10 of the LLS Act empowers LLS to serve an order on any occupier or owner (other than a public authority) of the controlled land requiring the occupier or owner to eradicate the pest by use of a method specified by LLS in the order (an individual eradication order).

In exercising its powers under the Act, LLS must be consistent with and follow policies and procedures, as specified by the Department of Primary Industries.

Enforcement Provisions

LLS has enforcement provisions relating to;

- recovery of outstanding debts - rates, charges and other matters

- proceedings for offences - collecting and collating evidence
- miscellaneous matters.

LLS are able to utilise the powers within this section of the legislation to recoup rates, fees or other unpaid amounts.

Animal Biosecurity and Welfare

Animal biosecurity is about protecting the economy, human health and the environment from risks associated with invasive species pests and diseases of animals.

NSW DPI and LLS are partners in the delivery of animal biosecurity. Together they work with livestock owners, livestock industries, rural communities and other stakeholders to ensure the quality and safety of NSW livestock and livestock products.

The [NSW Animal Biosecurity and Welfare Strategic Plan 2013-2015](#) guides priority activities to safeguard the NSW economy, environment and community from diseases and pests that affect animals, as well as improve animal welfare outcomes.

In exercising its powers under the Act, LLS must be consistent with and follow policies and procedures, as specified by the Department of Primary Industries.

Chemical residues

LLS animal health staff play an ongoing role in surveillance, certification and education to ensure these and other residues stay out of the food chain by:

- carrying out on-farm investigations to identify sources of residues
- working with landholders to either eliminate the source of the residue or mitigate its effects
- investigating residue detections reported from abattoirs
- using tracing systems such as NLIS to identify the source of a contamination

District vets and biosecurity officers have played a key role in the successful National Organochlorine Residue Management program (NORM) during the last decade.

They also work with national programs such as Livestock Production Assurance (LPA), which are in place to pick up any traces of residues at slaughter to assure markets that Australian products are residue free.

In exercising its powers under the Act, LLS must be consistent with and follow policies and procedures, as specified by the Department of Primary Industries.

Native vegetation

Under the *Native Vegetation Act 2003*, all clearing of remnant native vegetation or protected regrowth requires landholders to seek approval by obtaining a Property Vegetation Plan (PVP) from Local Land Services.

A PVP is a legally-binding agreement between a landholder and Local Land Services that outlines how native vegetation will be managed on a property.

In exercising its powers under the Native Vegetation Act, LLS must be consistent with and follow policies and procedures, as specified by the Office of Environment and Heritage.

Outcomes

One of the key functions of LLS is to provide innovative services to land managers that enable them to improve primary production and better manage natural resources. The outcomes that LLS will strive to achieve through regulation will further unfold in the development of the LLS Compliance and Enforcement Strategy, the LLS State Strategic Plan and the 11 regional plans. When the LLS State Strategic Plan is finalised in early 2015 it will include key performance indicators and an associated monitoring, evaluation and reporting plan. Once finalised, the elements of the State Strategic Plan relating to regulation will be built into this policy document.

Accountability

Decision making in LLS occurs at two levels. Local boards work with their regional staff and local communities to make local decisions. To complement this, the 11 General Managers and staff of the Executive Support Unit function together as the Senior Executive Team. This group works closely with the Board of Chairs and Chair of Chairs to make decisions on behalf of LLS at the state strategic level.

LLS will also continue to improve its accountability to all customers. This includes the relevant regulated community, which can expect effective consent, compliance and enforcement services that educate and protect communities and industries from biosecurity risks when engaging with LLS.

Next Steps

As LLS continues to mature there will be aspects of the state and regional planning and associated policies and strategies that will directly impact on and improve the way LLS undertakes its regulatory functions. It is anticipated that this planning process will be finalised in early 2015. In the meantime, some of the relevant priorities for 2015 include the following and the outcomes from these inform the next iteration of this policy and improve the way regulation is carried out and reported on across LLS.

- Develop the LLS Compliance and Enforcement Strategy
- On-time delivery of a range of functions and programs that are customer focussed and aligned with our new strategic direction
- Keeping a focus on building an organisation that genuinely gets the best out of being a single entity with eleven strong regions
- Continuing to work on developing and embedding a values-based culture
- Completing the various integration work covering IT, offices, etc
- Finalising and implementing a new internal and external communications strategy
- Improving and shaping our extension focus and the role staff play
- Rolling out a simple but strong governance framework across the organisation
- Improving our monitoring and reporting across the organisation to build our internal and external accountability
- Looking outward as we seek growth and new opportunities
- Continuing to review a whole range of policies and procedures to make sure that LLS is providing a strong, simple and outcomes focussed service
- Working with key partners to ensure compliance and enforcement is effective and efficient.

More information

Tim Ferraro, Executive Manager LLS or you local LLS office.