

# Gamba Fire Mitigation: Compliance Policy

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Acronyms	Full form
BFNT	Bushfires NT
DEPWS	Department of Environment, Parks and Water Security
DIPL	Department of Infrastructure Planning and Logistics
GFM	Gamba Fire Mitigation
NFPZ	Northern Fire Protection Zone
NT	Northern Territory
NTFRS	Northern Territory Fire and Rescue Service
NTRRP	Northern Territory Risk Reduction Program
PU	Penalty Unit
VCL	Vacant Crown land
WMB	Weed Management Branch



**Australian Government**

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## Forward

- The Department of Environment, Parks and Water Security has established a new Gamba Fire Mitigation Unit. The Gamba Fire Mitigation Unit is a collaborative project between the Rangelands and Bushfires NT divisions, designed to build landowners resilience in combating the increasing threat of fire in the rural area.
- A Project Manager has been appointed with funding provided by the Australian and Northern Territory Governments, through the Northern Territory Risk Reduction Program. The Project Manager will initially establish the Gamba Fire Mitigation Unit, which will build on current programs administered by the Weed Management Branch and Bushfires NT, to create an integrated Gamba Fire mitigation program.
- The Gamba Fire Mitigation Unit will achieve:
  - improved awareness of, and engagement on, gamba fire risk
  - development of a data collection and management system to record information mutually beneficial to both the Weed Management Branch and Bushfires NT gamba and firebreak compliance programs; and
  - improved disclosure of gamba fire risk to stakeholders within the Northern Fire Protection Zone.
- The Gamba Fire Mitigation Unit will also administer an ongoing \$50,000 gamba fire mitigation assistance program, supporting eligible landowners to develop property management plans and engage local Territory businesses to address gamba grass fuel loads and firebreaks by working on those identified properties.
- The Gamba Fire Mitigation Unit will develop in alignment with existing policy and guidance, including the Weeds Management Act Compliance Policy and the forecast Bushfires NT Compliance Policy.
- Concerns regarding the spread risk of unmanaged gamba grass may be directed to [weedinfo@nt.gov.au](mailto:weedinfo@nt.gov.au).
- Concerns regarding the bushfire risk of unmanaged firebreaks and gamba grass may be directed to [BushfiresNT.compliance@nt.gov.au](mailto:BushfiresNT.compliance@nt.gov.au).

# 1. Introduction

The threat posed by gamba grass is recognised at a national level. Destructive gamba grass fires, which generally occur late in the dry season, can be up to eight times more intense than native grass fires. This threat is heightened in the Northern Fire Protection Zone (NFPZ), which receives a high annual rainfall encouraging the growth of gamba grass.

The Gamba Fire Mitigation Unit seeks to drive land management improvements in areas where unmanaged gamba grass is creating high fuel loads and non-compliance with the Weeds Management Act 2001 (Weeds Act) and the Bushfires Management Act 2016 (Bushfires Act), administered by the Department of Environment, Parks and Water Security (DEPWS). Further, the Unit strives to align with the strategic and operational fire mitigation strategies of the NT Fire and Rescue Service (NTFRS).

The delivery of a joint gamba management and bushfire mitigation program will assist in alleviating a threat to our natural assets and the community – a key action item identified in the DEPWS Strategic Plan 2021 – 2024 (Protecting and Managing our Natural Assets). At a strategic level, this is achieved at a landscape scale through joint fire and weed risk planning and on-ground bushfire mitigation operations.

Further, streamlining the regulatory responsibilities of the Weed Management Branch (WMB) and Bushfires NT (BFNT) with regard to gamba fuel loads, will create regulatory efficiencies to support our customer service focus, a strategic DEPWS action (Supporting Sustainable Economic Development). This is achieved through authorisation of officers with dual powers under the Weeds Act and Bushfires Act, to work with landholders to reduce the fire risk at the property scale.

The purpose of this Gamba Fire Mitigation Compliance Policy is to establish the relevant standards, approach and decision-making framework used by the department to manage its compliance function under the Weeds Act and Bushfires Act. Further, it aims to ensure transparent, consistent and proportionate responses to non-compliance with regulatory requirements relating to gamba fire risk.

## 2. Compliance standards

### 2.1. Gamba grass containment

In accordance with the Weeds Act, owners and occupiers of land in the Northern Territory (NT), including the Crown, must comply with a weed management plan. A failure to comply with a weed management plan is an environmental offence level 3. Penalties for an individual start at \$12,089, and for companies start at \$60,445. Infringements may also be issued for failing to comply with an officer's order to control weeds.

Weed management plans may be prepared to guide the management of declared weed species or areas. Weed management plans remain in force for no longer than 10 years and must be reviewed every 3 years. Gamba grass is a declared weed, with aspirational zones of the NT split into Class A zone (eradication) and Class B zone (prevent growth and spread) per Appendix A. The NFPZ falls within the Class B zone.

A 10-year Weed Management Plan for Gamba Grass 2020 – 2030 came into force on 09 December 2020 with specific compliance requirements applying to all persons, land owners and occupiers, based on management zone and property size (refer Appendix B). In the Class B zone, land managers must maintain a gamba grass free buffer, a distance of 15 m in width along property boundaries, around infrastructure, and on both sides of tracks and roads. Smaller properties <3 Ha must destroy all gamba grass by July 2023.

Enforcing compliance with gamba management compliments the Gamba Action Program (GAP), which has made free herbicide and equipment available for willing land managers since 2010.

## 2.2. Firebreaks and flammable materials

Firebreaks are legally required under the Bushfires Act and the Fire and Emergency Act 1996, and must be maintained where accessible all year round. Perimeter firebreaks must be no less than 4m wide, clear of vegetation more than 50mm high, must not have slashed or dead material lying on it, and must be clear of overhanging branches or other obstacles that prevent access for a firefighting vehicles. Properties without compliant firebreaks may be subject to an infringement notice or other enforcement actions.

Flammable material must also be managed under both the Bushfires Act and the Fire and Emergency Act, and a notice may be served against the landowner requiring action to be taken. It is an offence not to comply with such a notice.

## 3. Compliance approach

Many landholders are willing to do the right thing and take the necessary steps to meet their land management obligations. A lesser number are reluctant to try, and even fewer simply refuse to comply.

An effective compliance approach must remain responsive to the various categories of landholder effort and ability, with tailored responses to influence landholder behaviour in a positive way.

This is achieved by ensuring landholders understand their responsibilities, and receive relevant support to coerce voluntary compliance. Non-compliance is discouraged by enforcing penalties where required.

This compliance approach draws on a typical compliance pyramid model, where the shape of the pyramid reflects the number of landholders that might be found at each level, and the escalating nature of a regulatory response, as represented in Figure 1.

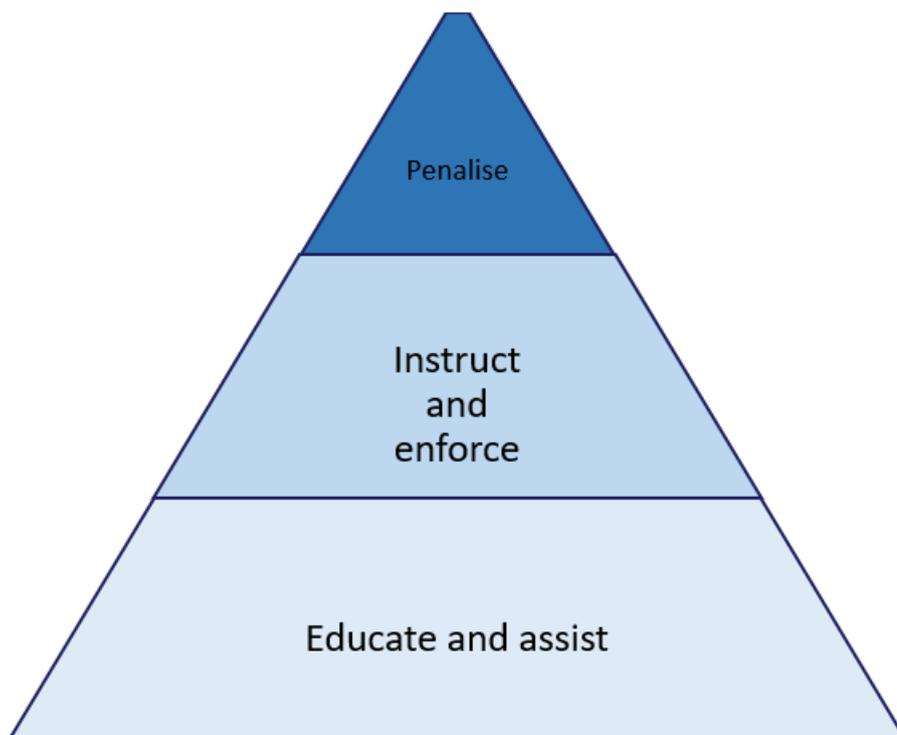


Figure 1. The gamba fire mitigation compliance pyramid.

### 3.1. Educate and assist

The department will deliver the following core activities to educate and assist landholders with their capacity to manage gamba fuel loads, with additional coordination and specialised support by the Gamba Fire Mitigation Unit.

Weeds Branch	Bushfires NT	Gamba Fire Mitigation Unit
<ul style="list-style-type: none"> <li>Gamba Action Program (GAP) – free equipment loans and herbicide subsidy</li> <li>Property weed planning</li> <li>Awareness through media and public events</li> <li>Gamba Management Guide</li> <li>Internet and social media</li> </ul>	<ul style="list-style-type: none"> <li>Bushfire Management Plans</li> <li>Fire equipment subsidies</li> <li>Fuel mitigation planning and operations</li> <li>Internet and social media</li> </ul>	<ul style="list-style-type: none"> <li>Fire Ready week – full week of community engagement providing access to GAP and bushfire property preparedness support</li> <li>Fire Ready assistance program – additional support for elderly and vulnerable landholders</li> </ul>

### 3.2. Instruct and enforce

The following actions are undertaken by the department to measure, instruct and guide landholders on specific actions required to ensure compliance with the Weeds Act and Bushfires Act.

Weeds Branch	Bushfires NT*	Gamba Fire Mitigation Unit
<ul style="list-style-type: none"> <li>Gamba Hotspot compliance risk assessments</li> <li>Warning letters</li> <li>Orders to comply</li> </ul>	<ul style="list-style-type: none"> <li>Firebreak inspections</li> <li>Warning letters</li> <li>Notices to comply</li> </ul>	<ul style="list-style-type: none"> <li>Joint gamba and firebreak inspections</li> <li>Parcel risk categorisation based on gamba and firebreak inspection results</li> </ul>

\*Similar provisions apply under the Fire and Emergency Act

### 3.3. Penalise

The following options are available to penalise serious or ongoing breaches of the Weeds Act and Bushfires Act. The Gamba Fire Mitigation Unit will facilitate overlapping cases to ensure penalties are consistent and proportionate to the immediate risk of poor land management.

Weeds Branch	Bushfires NT	Gamba Fire Mitigation Unit
<ul style="list-style-type: none"> <li>Infringement notices for failure to comply with an order</li> <li>Remedial action for failure to comply with a weed management plan, at cost to landholder</li> <li>Prosecution for failing to comply with the Weeds Act</li> </ul>	<ul style="list-style-type: none"> <li>Infringement notices for failure to maintain a firebreak</li> <li>Remedial action for failure to submit or comply with a property management plan, at cost to landholder</li> <li>Prosecution for failing to comply with the Bushfires Act</li> </ul>	<ul style="list-style-type: none"> <li>Maintain data relevant to gamba and firebreak compliance programs</li> <li>Liaise across weed and fire authorities to assess the impact of failure to act</li> <li>Advise authorities on options available to address the most serious risk of impact</li> </ul>

## 4. Enforcement decision making

### 4.1. Lead agency

Where instruction and enforcement is required to mitigate gamba and bushfire risk, it is important to determine the lead agency, to ensure decisions are made in an authoritative and effective manner and meet relevant objectives. The results of gamba and firebreak inspections will inform who the appropriate agency is to lead engagement with land managers.

In the NFPZ, the BFNT and NTFRS agencies are further distinguished by geographical boundaries, per Appendix C.

Good firebreaks Good gamba control  = <b>No action required</b>	Good firebreaks Poor gamba control  = <b>Weeds Branch lead</b>
Poor firebreaks Good gamba control  = <b>BFNT/NTFRS lead</b>	Poor firebreaks Poor gamba control  = <b>Joint approach</b>

### 4.2. Capacity to act

The capacity of a land manager to mitigate their gamba and bushfire risk reflects a combination of their willingness and their ability to act. The lead agency will consider this capacity based on previous engagement with the land manager (if any) to determine the appropriate scale to intervene. Land managers will be provided the opportunity to disclose any reason why they are unable to act. In the absence of a reasonable excuse, land managers will, by default, be deemed **able** to undertake the basic legislative land management requirements of weed control and firebreak maintenance.

Willing to act Able to act  = <b>Educate and assist</b>	Willing to act Unable to act  = <b>Educate and assist</b> + <b>Fire Ready assistance</b>
Unwilling to act Able to act  = <b>Educate and assist</b> + <b>Instruct and enforce</b>	Unwilling to act Unable to act  = <b>Convert to willing</b> + <b>Instruct and enforce</b>

### 4.3. Impact of landholder failure to act

The impact to the environment and community of failing to mitigate gamba and bushfire risk is dependent on a number of factors, and can fluctuate depending on seasonal conditions and geographical areas. The gamba fire risk is most severe when gamba is dead or dry, and with accumulation of more than one growing season. Unmanaged gamba on roads, tracks or property boundaries increases the risk to human safety in the event of a bushfire and presents an increased likelihood of spread throughout the landscape. Adjoining properties with unmanaged gamba increases the speed and intensity of a bushfire.

When coupled with a poorly maintained firebreak, gamba fire impact is exacerbated, significantly increasing the risk of harm to fire fighters, land managers and the environment.

Issue:	Poor firebreaks	Poor gamba control
<b>Impact:</b>	(any or all of the following)	(any or all of the following)
<b>Low</b>	<ul style="list-style-type: none"> <li>• Wet season</li> <li>• No gamba grass</li> <li>• Low to moderate Fire Danger Rating</li> <li>• Previously managed</li> <li>• No residential infrastructure</li> </ul>	<ul style="list-style-type: none"> <li>• Human-assisted spread unlikely – no roads or tracks, not encroaching boundary</li> <li>• Gamba at low density or isolated plants, previously managed to some extent</li> <li>• Wildfire risk confined to land parcel –no infrastructure present, no adjoining fire hazards</li> </ul>
<b>Moderate</b>	<ul style="list-style-type: none"> <li>• Early dry season</li> <li>• Some gamba or other grasses</li> <li>• High to very high Fire Danger Rating</li> <li>• Unmanaged in previous season</li> <li>• Residential infrastructure not at risk</li> </ul>	<ul style="list-style-type: none"> <li>• Human-assisted spread possible – moderately used roads or tracks</li> <li>• Gamba at medium density, widespread, older/rank gamba material</li> <li>• Wildfire impact increased due to gamba near infrastructure and/or surrounding fire hazards</li> </ul>
<b>High</b>	<ul style="list-style-type: none"> <li>• Mid-late dry season</li> <li>• Dead or dry gamba grass present</li> <li>• Severe to catastrophic Fire Danger Rating</li> <li>• Repeat offenders, multiple seasons unmanaged</li> <li>• Infrastructure directly at risk of fire</li> </ul>	<ul style="list-style-type: none"> <li>• Human-assisted spread likely – well-used roads or tracks into and out of property</li> <li>• Gamba at dense infestations, widespread and old/rank, encroaching property boundaries</li> <li>• Bushfire risk imminent due to accumulation of gamba within 15m of infrastructure and/or adjoining fire hazards</li> </ul>

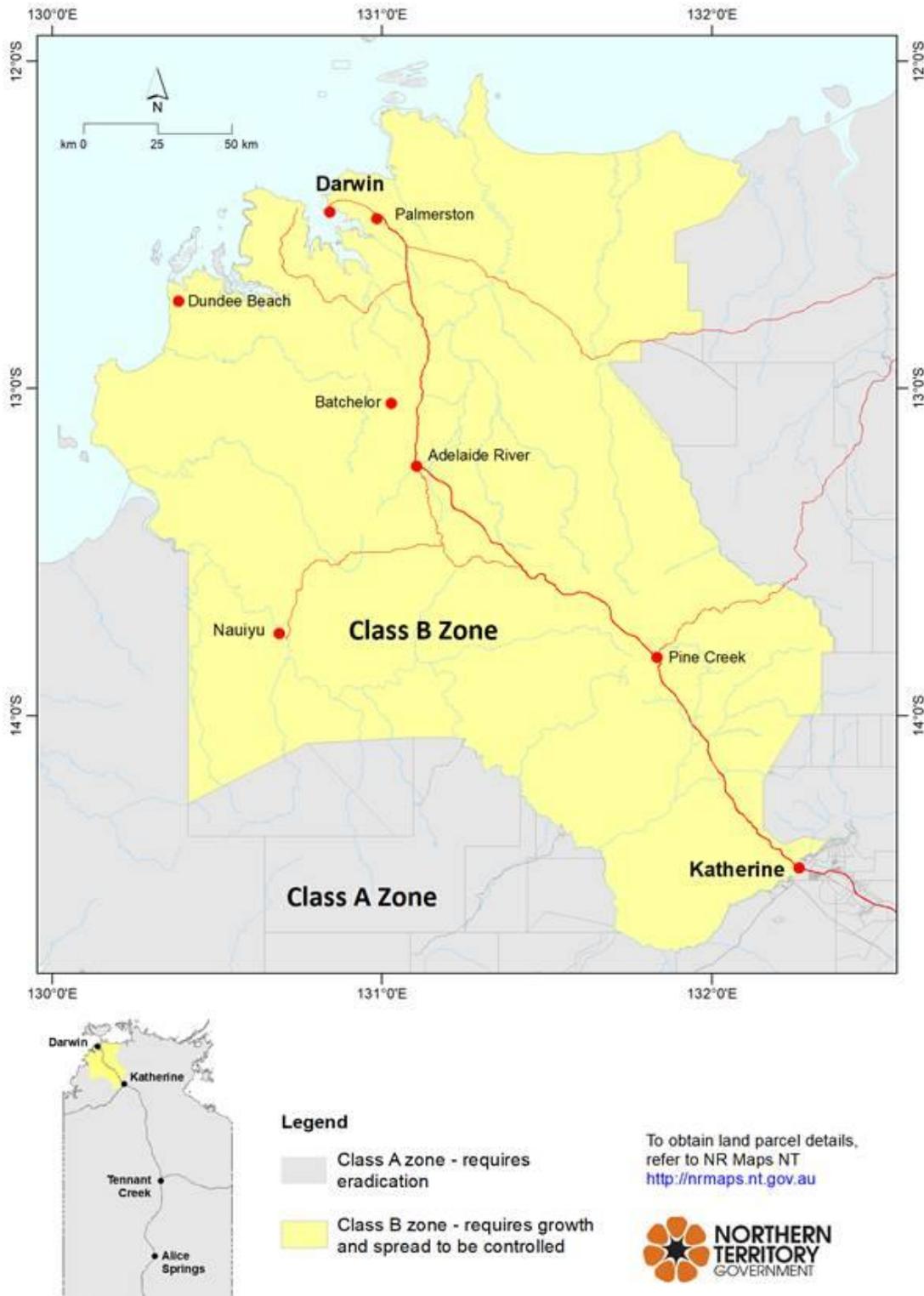
## 4.4. Compliance response options

The following decision-making framework will facilitate consistency in determining the appropriate action taken by DEPWS where land owners and occupiers fail to take action to mitigate gamba and bushfire risk. It is a guide, as the individual circumstances will determine the specific approach taken for each situation.

The appropriate enforcement response will be informed by a combination of the capacity to act (section 4.2), and the impact resulting from failure to act (section 4.3). In some cases, the lead agency will seek legal advice as to the actions to be taken.

<b>Capacity to Act</b>	<b>Unwilling/Able</b>	Order/Notice; or Infringement	Order/Notice; or Infringement; or Remedial action	Order/Notice; or Infringement; or Remedial action; or Prosecute
	<b>Unwilling/Unable</b>	Educate/Assist; or Coerce to willing	Educate/Assist; or Fire Ready program	Order/Notice; or Infringement; or Remedial action
	<b>Willing/Unable</b>	Educate/Assist	Educate/Assist; or Fire Ready program	Educate/Assist; or Fire Ready program
	<b>Impact of failure to act</b>	<b>Low</b>	<b>Moderate</b>	<b>High</b>

## Appendix A: Gamba management zones



Gamba has a split declaration – Class A (to be eradicated) and Class B (growth and spread to be controlled). The different zones represent a balance between the priority goal of eradicating gamba from the periphery of the species range (Class A) and managing large established infestations to reduce impact (Class B).

## Appendix B: Gamba control requirements by parcel size

The [Weed Management Plan for Gamba Grass 2020 – 2030](#) specifies gamba control requirements based on management zone and property size, in addition to general weed control responsibilities that apply to all persons. The full Plan is available at [nt.gov.au/gamba](http://nt.gov.au/gamba).

Table 1 Class A Zone – Eradication	
1.1	All gamba grass plants are destroyed by July 2023 <sup>1</sup> .
1.2	Detect and destroy all gamba grass regrowth prior to seeding (July 2023 – July 2025).
1.3	Monitor and destroy regrowth and any new gamba grass introductions annually.

Table 2 Class B Zone – Land parcels (<3 Ha) Control growth and spread	
2.1	Establish and maintain by chemical, mechanical or physical means, a gamba grass free buffer on all land parcels, a distance of 15 m in width along the inside of the land parcel boundaries, around infrastructure <sup>2</sup> , and on both sides of tracks and roads <sup>3</sup> prior to seeding each year.
2.2	All gamba grass plants are destroyed by July 2023 <sup>4</sup> .
2.3	Detect and destroy all gamba grass regrowth prior to seeding (July 2023 – July 2025).

Table 3 Class B Zone – Land parcels (3 – 140 Ha) Control growth and spread	
3.1	Establish and maintain by chemical, mechanical or physical means, a gamba grass free buffer on all land parcels, a distance of 15 m in width along the inside of the land parcel boundaries, around infrastructure <sup>2</sup> , and on both sides of tracks and roads <sup>3</sup> prior to seeding each year.
3.2	Establish and maintain by chemical, mechanical or physical means, a gamba grass free buffer of 500 m within the Class B zone when the Class B zone adjoins a Class A zone boundary, by January 2025.
3.3	Demonstrably reduce the size of gamba infestations annually from 2020 to 2030.

Table 4 Class B Zone – Land parcels (>140 Ha <sup>5</sup> ) Control growth and spread	
4.1	Establish and maintain by chemical, mechanical or physical means, a gamba grass free buffer on all land parcels, a distance of 15 m in width along the inside of the land parcel boundaries, around infrastructure <sup>2</sup> , and on both sides of tracks and roads <sup>3</sup> prior to seeding each year.
4.2	Establish and maintain by chemical, mechanical or physical means, a gamba grass free buffer of 500 m within the Class B zone when the Class B zone adjoins a Class A zone boundary, by January 2025.
4.3	Undertake annual monitoring and control activities and weed spread prevention activities to ensure gamba grass free areas remain gamba grass free.

<sup>1</sup> Unless under permit. Previously, applications for a permit to use a declared weed have been considered by the Minister for the use of gamba grass for grazing purposes in the Class A zone. With exception of areas under permit upon gazettal of this plan, no new permit applications will be considered.

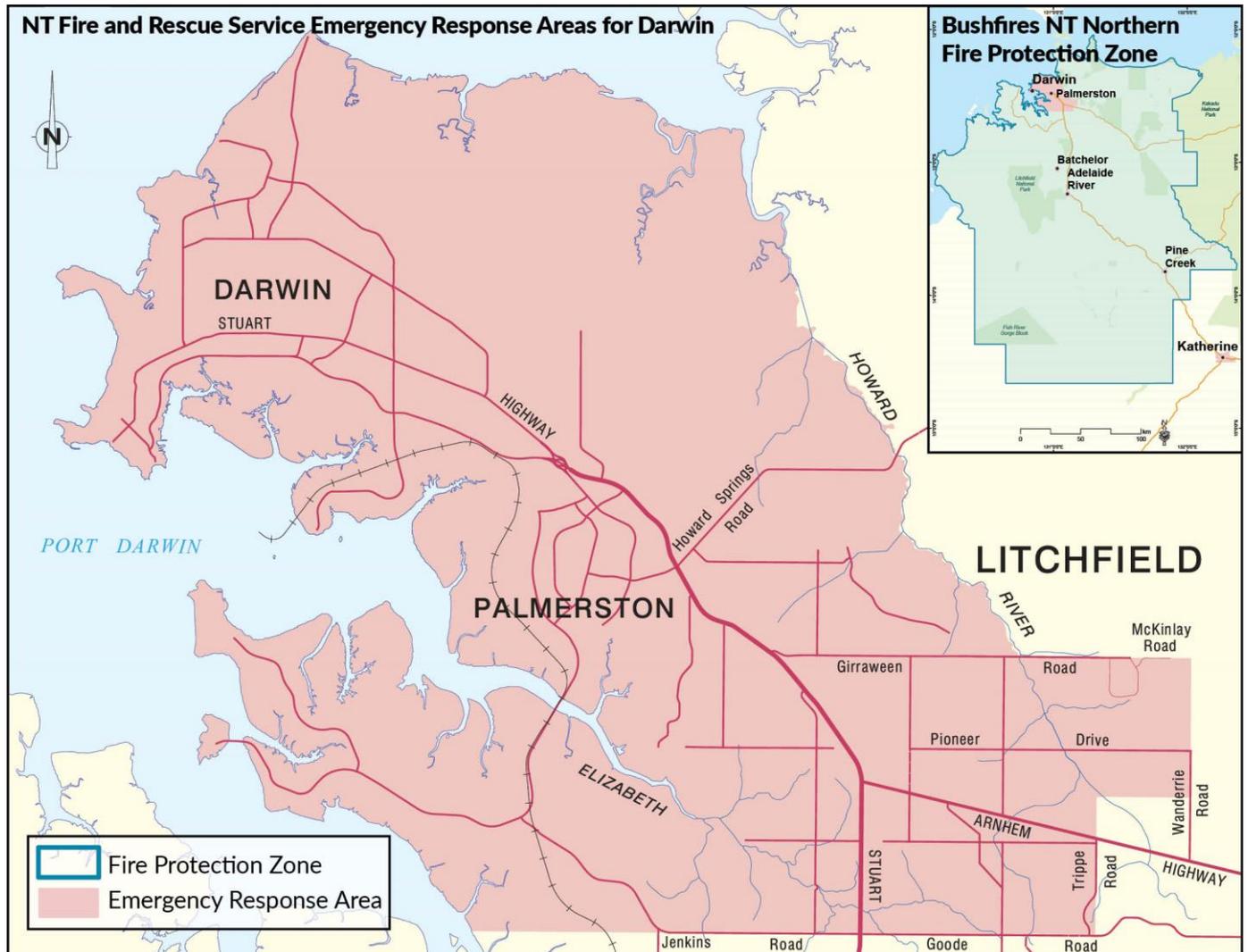
<sup>2</sup> Infrastructure refers to landholders' houses, sheds, bores, fences (except internal fencing)

<sup>3</sup> Road - defined by the *Control of Roads Act 1953* or the *Local Government Act 2008* and a tracks refers to the main access into a property.

<sup>4</sup> This requirement reflects the increased risk to property and life associated with managing fires on small land parcels.

<sup>5</sup> This includes all land parcels greater than 140 Ha which may include pastoral land parcels, Aboriginal Land or national parks.

## Appendix C: Fire Authority areas within the NFPZ



The NTFRS have multiple responsibilities across the Territory. One of their responsibilities is to manage bushfires around towns and urban areas declared as Emergency Response Areas (ERA). The map above indicates the NTFRS ERA for the Darwin area. All landholders in the red shaded area are within the ERA, and under the jurisdiction of NTFRS.

Landholders outside of any ERA fall under the jurisdiction of Bushfires NT.

## Appendix D: Table of offences and penalties relevant to gamba fire mitigation

### Weeds Management Act\*

Offence	Minimum penalty	Maximum penalty	Able to issue infringement notice?**
Section 9(2) – owner and occupier of land on which a declared weed or potential weed is present must comply with a weed management plan relating to the weed.	77 PU	770 PU	No
Section 14(4) – owner or occupier of land who is given a direction under section 14(1)(b) (to prepare a remedial weed management plan) must prepare that plan and submit it to the Minister within the time directed by the Minister.	77 PU	770 PU	No
Section 14(12) – person to whom a remedial weed management plan applies must not contravene or fail to comply with the plan.	77 PU	770 PU	No
Section 26(2) – person must not contravene or fail to comply with an order given by an officer or authorised person under the Act.	Nil	100 PU	Yes (1.5 PU)

\*A full table of offences under the Weeds Management Act is available in the Weeds Management Act Compliance Policy

\*\* Where an infringement notice is not able to be issued, DEPWS must consider prosecution against the offence

### Bushfires Management Act

Offence	Minimum penalty	Maximum penalty	Able to issue infringement notice?
Section 68(1) – owner or occupier of land within a fire protection zone commits an offence if there is not a firebreak around the perimeter of the land or in another approved position on, or close to, the land.		20 PU and 2 PU each day while offence continues	Yes (2 PU)

Offence	Minimum penalty	Maximum penalty	Able to issue infringement notice?
Section 68(2) - owner or occupier of land within a fire protection zone commits an offence if there is on the land (i) a house or other permanent structure; or (ii) a stationary engine; or (iii) flammable material; and there is not a prescribed firebreak around the thing mentioned.		20 PU and 2 PU each day while offence continues	Yes (2 PU)
Section 95(1) - A person commits an offence if the person fails to comply with a notice served on the person under section 92(4) (the executive director may serve on the person...a firebreak notice or flammable material notice, in respect of the land).		100 PU	Yes (2 PU)

PU = Penalty Unit

At the time of preparing this policy, a penalty unit is \$158.00

Penalty units are calculated at 01 July each year in line with changes to Darwin's Consumer Price Index (CPI)