

**THE LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

Pest Plants and Animals Amendment Bill 2006

EXPLANATORY STATEMENT

Circulated with the authority of
Jon Stanhope MLA
Minister for the Environment

EXPLANATORY STATEMENT

This Explanatory Statement relates to the *Pest Plants and Animals Amendment Bill 2006* (the Bill) as introduced into the Legislative Assembly.

Overview

The purpose of the Bill is to create an offence under the *Pest Plants and Animals Act 2005* for a person who imports a prohibited pest plant or something contaminated by a prohibited pest plant into the ACT and the person is reckless about whether the importation of the prohibited pest plant is likely to result in the spread of prohibited pest plants.

The amendment to the *Pest Plants and Animals Act 2005* will address the ACT Weeds Strategy developed in 1996 coordinating government and community based activity to prioritise and take action against weed infestations in the ACT. The Bill will also embrace nationally agreed principles of the Natural Resources Management Ministerial Council and the Primary Industries Ministerial Council which the ACT is a member of. This will assist in ACT compliance with related agreements.

Revenue/Cost Implications

The legislation will be implemented within existing financial resources.

Clauses

Clause 1 Name of Act

Provides that this Act is the *Pest Plants and Animals Amendment Act 2006*.

Clause 2 Commencement

Provides that this Act commences on the day after its notification day.

Clause 3 Legislation amended

Provides that this Act amends the *Pest Plants and Animals Act 2005*.

Clause 4 New section 10A – Reckless importation of prohibited pest plant etc

Provides that a person commits an offence if the person imports something into the ACT and the thing imported is a prohibited pest plant or contaminated by a prohibited pest plant and the person is reckless about whether the thing imported is a prohibited pest plant or contaminated by a prohibited pest plant and is reckless about whether the importation would result or is likely to result in the spread of prohibited pest plants. The maximum penalty is 50 penalty units.

Clause 5 Section 14 – Permits relating to prohibited pest plants

This clause substitutes section 14 to provide that a person may apply to the chief executive for a permit to propagate, import or supply something that is a prohibited pest plant in the ACT. The chief executive may issue a written permit for the propagation, importation or supply if satisfied that it does not result in the spread of prohibited pest plants of that kind in a way that would endanger the environment or agriculture.

Clause 6 Section 49(a) and (b)

Omits ‘permit to propagate or supply prohibited pest plant’ and substitutes it with ‘permits relating to prohibited pest plants’.

Clause 7 – Dictionary – new definition of propagate

Provides that ‘propagate’ a plant includes plant the plant.