

Pest Plants and Animals (Pest Animals) Declaration 2021 (No 1)

Disallowable instrument DI2021–133

made under the

Pest Plants and Animals Act 2005, s 16 (Declaration of pest animal)

EXPLANATORY STATEMENT

This explanatory statement relates to the *Pest Plants and Animals (Pest Animals) Declaration 2021 (No 1)* as declared by the Minister for the Environment. It has been prepared in order to assist the reader of the disallowable instrument and to help inform debate on it. It does not form part of the disallowable instrument and has not been endorsed by the Assembly.

Overview

The main objects of the *Pest Plants and Animals Act 2005* (the *Act*) are to protect the ACT's land and aquatic resources from threats from pest plants and animals, to promote a strategic and sustainable approach to pest management, to identify pest plants and animals, and to manage pest plants and animals.

Section 16 of the Act provides that the Minister may declare an animal to be a pest animal. A declaration may declare that an animal is a pest animal whose presence must be notified to the Director-General (a notifiable pest animal) or that an animal is a pest animal whose supply or keeping is prohibited (a prohibited pest animal). Some pest animals have been declared to be both notifiable and prohibited. A declaration is a disallowable instrument.

This instrument declares the common or Indian myna (*Acridotheres tristis*) as a prohibited pest animal in the ACT. Under sections 20 and 22 of the Act, a prohibited pest animal may not be supplied or kept, without a permit issued by the Director-General.

The Environment, Planning and Sustainable Development Directorate conducted public consultation on future pest animal declarations through a discussion paper in 2019. Multiple public submissions supported the declaration of the Indian myna as a prohibited pest animal and/or supported management and community group efforts to control them.

This instrument also consolidates the declaration of the khapra beetle, made by the *Pest Plants and Animals (Pest Animal) Declaration 2021 (No 1)* (DI2021-40) into the declaration, so that there is one source instrument for all pest animal declarations in the ACT.

The instrument revokes the *Pest Plants and Animals (Pest Animals) Declaration 2016 (No 1)* (DI2016-312).

Regulatory Impact Statement (RIS)

The *Legislation Act 2001* (Legislation Act) requires a RIS for regulations and disallowable instruments subject to specified exceptions. A RIS is not required for this instrument because the declaration of a pest animal does not impose any appreciable costs on the community or part of the community (s 34 (1) of the Legislation Act).

Human Rights implications

There are no human rights implications arising from the declaration of a pest animal. The instrument does not engage any rights under the *Human Rights Act 2004*.