



Australian Capital Territory

Pest Plants and Animals Amendment Act 2006

A2006-18

*An Act to amend the *Pest Plants and Animals Act 2005**

The Legislative Assembly for the Australian Capital Territory enacts as follows:

1 Name of Act

This Act is the *Pest Plants and Animals Amendment Act 2006*.

2 Commencement

This Act commences on the day after its notification day.

Note The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

3 Legislation amended

This Act amends the *Pest Plants and Animals Act 2005*.

4 New section 10A

insert

10A Reckless importation of prohibited pest plant etc

- (1) A person commits an offence if—
- (a) the person imports something into the ACT; and
 - (b) the thing imported is—
 - (i) a prohibited pest plant; or
 - (ii) contaminated by a prohibited pest plant; and
 - (c) the person is reckless about whether the thing imported is—
 - (i) a prohibited pest plant; or
 - (ii) contaminated by a prohibited pest plant; and
 - (d) is reckless about whether the importation would result or would be likely to result in the spread of prohibited pest plants of that kind.

Maximum penalty: 50 penalty units.

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- (2) This section does not apply if the importation is—
- (a) by an entity prescribed by regulation; or
 - (b) under a permit.

5 Section 14

substitute

14 Permits relating to prohibited pest plants

- (1) A person may apply, in writing, to the chief executive for a permit to propagate, import into the ACT or supply something that is a prohibited pest plant.
- (2) The chief executive may issue a written permit for the propagation, importation or supply of the thing if satisfied that the propagation, importation or supply would not result in the spread of prohibited pest plants of that kind in a way that would endanger the environment or agriculture.
- (3) A permit is subject to any conditions stated in the permit by the chief executive.

Note 1 If a form is approved under s 52 for this provision, the form must be used.

Note 2 A fee may be determined under s 51 for this provision.

6 Reviewable decisions Section 49 (a) and (b)

omit

Permit to propagate or supply prohibited pest plant

substitute

Permits relating to prohibited pest plants

7 Dictionary, new definition of *propagate*

insert

propagate a plant includes plant the plant.

Examples of propagating a plant

- 1 planting a seed, seedling or cutting
- 2 grafting a plant
- 3 propagating a plant using hydroponics

Note An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 30 March 2006.

2 Notification

Notified under the Legislation Act on 10 May 2006.

3 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

I certify that the above is a true copy of the Pest Plants and Animals Amendment Bill 2006, which was passed by the Legislative Assembly on 2 May 2006.

Clerk of the Legislative Assembly

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