

1996
THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Minister for the Environment, Land and Planning)

”

**Land (Planning and Environment)
(Amendment) Bill 1996**

**A BILL
FOR**

An Act to amend the *Land (Planning and Environment) Act 1991* and for related purposes

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

PART I—PRELIMINARY

Short title

- 5 1. This Act may be cited as the *Land (Planning and Environment) (Amendment) Act 1996*.

Commencement

2. (1) Sections 1, 2 and 3 commence on the day on which this Act is notified in the *Gazette*.

Job No.: 1996/13 86026 (T26/96)

(2) The remaining provisions commence on a day, or respective days, fixed by the Minister by notice in the *Gazette*.

5 (3) If a provision referred to in subsection (2) has not commenced before the end of the period of 6 months commencing on the day on which this Act is notified in the *Gazette*, that provision, by force of this subsection, commences on the first day after the end of that period.

PART II—AMENDMENTS OF PRINCIPAL ACT

Principal Act

10 3. In this Part, “Principal Act” means the *Land (Planning and Environment) Act 1991*.¹

Interpretation

4. Section 4 of the Principal Act is amended by inserting the following definitions:

15 “ ‘pest animal’ means an animal in a class of animals declared to be pest animals under subsection 254A (1);

‘pest plant’ means a plant in a class of plants declared to be pest plants under subsection 254A (1);”.

Insertion

20 5. After section 254 of the Principal Act the following section is inserted:

Pest animals and pest plants

“254A. (1) The Minister may, by instrument—

(a) declare a class of animals to be pest animals; or

(b) declare a class of plants to be pest plants;

25 either generally or in a specified area. 4

“(2) For the purposes of subsection (1)—

‘animal’ means any live vertebrate but does not include a human being.

30 “(3) An instrument made under subsection (1) is a disallowable instrument for the purposes of section 10 of the *Subordinate Laws Act 1989*.”.

Application for order

6. Section 256 of the Principal Act is amended by inserting after subsection (4B) the following subsection:

“(4BA) The Registrar shall refuse to make an order under subsection (4B) in relation to the controlled activity of using or managing land in a way that fails to control the propagation of a pest animal or pest plant if—

- 5 (a) there is a written agreement between the lessee or occupier of the land and the Minister relating to control of the propagation of the relevant pest animal or pest plant; and
- (b) the Registrar is satisfied that the lessee or occupier is giving effect to the agreement.”.

10 **Insertion**

7. After section 256 of the Principal Act the following section is inserted:

Effect of certain orders

15 “256A. An order under section 256 that relates to a pest animal or a pest plant is to be taken to be a licence under the *Nature Conservation Act 1980* for any action in relation to the animal or plant required to comply with the order.”.

Schedule 5

20 8. Schedule 5 to the Principal Act is amended by adding at the end the following item:

- 11 Using or managing land in a way that fails to 10 penalty units
 control the propagation of a pest animal or
 pest plant

PART III—REPEALS AND CONSEQUENTIAL AMENDMENTS

Repeals

9. The Acts specified in the Schedule are repealed.

25 **Consequential amendment—*Common Boundaries Act 1981***

10. Section 21 of the *Common Boundaries Act 1981* is repealed and the following section substituted:

Other Act not affected

30 “21. Nothing in this Division affects the operation of section 11 of the *Bushfire Act 1936*.”.

Consequential amendment—*Nature Conservation Act 1980*

11. (1) Section 5 of the *Nature Conservation Act 1980* is amended—

- (a) by omitting “noxious animal” from the definition of “native animal” and substituting “pest animal”;
- (b) by omitting “noxious weed” from the definition of “native plant” and substituting “pest plant”;
- 5 (c) by omitting the definitions of “noxious animal” and “noxious weed”; and
- (d) by inserting the following definitions:

“ ‘pest animal’ has the same meaning as in the *Land (Planning and Environment) Act 1991*;

10 ‘pest plant’ has the same meaning as in the *Land (Planning and Environment) Act 1991*.”.

(2) Section 57 of the *Nature Conservation Act 1980* is amended by omitting from paragraph (1) (b) “noxious weed” and substituting “pest plant”.

15 **Consequential amendment—*Land Titles Act 1925***

12. Section 120 of the *Land Titles Act 1925* is amended—

- (a) by omitting from paragraph (c) “noxious weeds or animals” and substituting “pest plants or pest animals”; and
- (b) by adding at the end the following subsection:

20 “(2) For the purposes of subsection (1)—

‘pest animal’ has the same meaning as in the *Land (Planning and Environment) Act 1991*;

‘pest plant’ has the same meaning as in the *Land (Planning and Environment) Act 1991*.”.

25

SCHEDULE

Section 9

REPEAL OF ACTS

Noxious Weeds Act 1921

Noxious Weeds Act 1922

Noxious Weeds Act 1936

Noxious Weeds Act 1943

Rabbit Destruction Act 1919

Rabbit Destruction Act 1937

Rabbit Destruction Act 1938

Rabbit Destruction Act 1943

Rabbit Destruction Act 1975

Rabbit Destruction (Amendment) Act 1980

Rabbit Destruction (Amendment) Act 1986

NOTES

Principal Act

1. Reprinted as at 28 February 1995. See also Acts Nos. 20, 21, 25, 54 and 56, 1995.

Penalty units

See section 33AA of the *Interpretation Act 1967*.

Printed by Authority of Nigel Hardiman, ACT Government Printer

© Australian Capital Territory 1996