

2006

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Minister for the Environment)

Pest Plants and Animals Amendment Bill 2006

A Bill for

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

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

1 **1 Name of Act**

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

3 **2 Commencement**

4 This Act commences on the day after its notification day.

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

7 **3 Legislation amended**

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

9 **4 New section 10A**

10 *insert*

11 **10A Reckless importation of prohibited pest plant etc**

12 (1) A person commits an offence if—

13 (a) the person imports something into the ACT; and

14 (b) the thing imported is—

15 (i) a prohibited pest plant; or

16 (ii) contaminated by a prohibited pest plant; and

17 (c) the person is reckless about whether the thing imported is—

18 (i) a prohibited pest plant; or

19 (ii) contaminated by a prohibited pest plant; and

20 (d) is reckless about whether the importation would result or
21 would be likely to result in the spread of prohibited pest plants
22 of that kind.

23 Maximum penalty: 50 penalty units.

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

4 **5 Section 14**

5 *substitute*

6 **14 Permits relating to prohibited pest plants**

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

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

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

20 **6 Reviewable decisions**
21 **Section 49 (a) and (b)**

22 *omit*

23 Permit to propagate or supply prohibited pest plant

24 *substitute*

25 Permits relating to prohibited pest plants

1 **7 Dictionary, new definition of *propagate***

2 *insert*

3 ***propagate*** a plant includes plant the plant.

4 **Examples of propagating a plant**

5 1 planting a seed, seedling or cutting

6 2 grafting a plant

7 3 propagating a plant using hydroponics

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

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 2006.

2 Notification

Notified under the Legislation Act on 2006.

3 Republications of amended laws

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