

THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

LAND (PLANNING AND ENVIRONMENT)(AMENDMENT) BILL 1996

EXPLANATORY MEMORANDUM

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Minister for the Environment, Land  
and Planning

## **LAND (PLANNING AND ENVIRONMENT)(AMENDMENT) BILL 1996**

### **OUTLINE**

The Land (Planning and Environment)(Amendment) Bill 1996 (the Bill) is an amending Bill that will amend the Land (Planning and Environment) Act 1991 (the Land Act).

Part VI of the Land Act provides for the control of specified land use activities through an approvals process or an orders regime. The particular land use activities that are subject to control are specified in schedules to the Land Act. The land use activities that can be included within the orders regime are identified in Schedule 5 to the Land Act.

The Bill will amend the Land Act to provide for the making of an order in respect of a pest animal or a pest plant and will also empower the Minister to declare a class of animals or a class of plants to be to be pest animals or pest plants. The Bill will repeal a number of Acts and will also make a number of consequential amendments to various Acts.

### **Revenue and Cost implications**

There are no revenue and cost implications.

### **Detail of Bill**

#### **Part I**

Part I of the Bill consists of clauses 1 and 2. Clauses 1 and 2 are mechanical provisions that identify the short title of the Bill and specify a commencement procedure for the Bill.

#### **Part II**

Part II of the Bill consists of clauses 3 to 8 and will make a number of amendments to the Land Act.

#### **Clause 3**

Clause 3 will identify the Act to be amended by the clauses in Part II.

#### **Clause 4**

Clause 4 will amend section 4 of the Land Act by inserting definitions of pest animal and pest plant.

### Clause 5

Clause 5 will amend the Land Act by inserting proposed section 254A. Proposed section 254A will empower the Minister to declare, by instrument, a class of animals or a class of plants to be pest animals or pest plants. Any instrument made by the Minister is to be a disallowable instrument for the purposes of section 10 of the Subordinate Laws Act 1989.

### Clause 6

Clause 6 will amend section 256 of the Land Act by inserting proposed subsection (4B) Section 256 of the Land Act empowers the Registrar of the Land and Planning Appeals Board to make an order Proposed subsection 256(4B) will prohibit the Registrar from making an order in respect to pest animals or pest plants where there is in existence an agreement between the lessee and the Minister in relation to the control of the relevant pest animal or pest plant and the Registrar is satisfied that the lessee is giving effect to that agreement

### Clause 7

Clause 7 will amend the Land Act by inserting proposed section 256A The Nature Conservation Act 1980 prohibits interference with a native animal or native plant other than in accordance with a licence granted under the Nature Conservation Act 1980 Some pest animals or pest plants may be native Proposed section 256A will provide that an order made under the Land Act relating to the control of a pest animal or pest plant that is a native animal or native plant will be taken to be a licence under the Nature Conservation Act 1980 and will therefore attract the protection of a licence granted under that Act

### Clause 8

Clause 8 will amend Schedule 5 to the Land Act by adding a further item to the list of controlled activities specified in Schedule 5

## **Part III**

Part III consists of clauses 9 to 12

### Clause 9

Clause 9 will provide that the Acts specified in the Schedule to the Bill will be repealed

### Clauses 10, 11 and 12

Clauses 10, 11 and 12 will make a number of consequential amendments to various Acts