

Pest Plants and Animals (Pest Plant - Frogbit) Declaration 2021

Disallowable instrument DI2021–22

made under the

Pest Plants and Animals Act 2005, s 7 (Declaration of pest plant)

EXPLANATORY STATEMENT

The *Pest Plants and Animals Act 2005* is an Act about pest plants and animals, and related purposes.

Overview

The purpose of the Act is to protect the ACT's land and aquatic resources from threats from pest plants and pest animals, to promote a strategic approach to pest management, to identify pest plants and animals, and to manage pest plants and animals.

Section 7 of the Act provides for the Minister to declare a plant to be a pest plant. A declaration may also declare that a pest plant:

- (a) is notifiable – in which case its presence must be notified to the Director-General within two working days. The intention of declaring a pest plant as notifiable is to control new pest incursions; or
- (b) must be suppressed – all infestations on premises must be controlled; or
- (c) must be contained – infestations must be prevented from spreading to neighbouring premises; or
- (d) is prohibited – supply and propagation of the pest plant is not allowed.

Frogbit (*Limnobium laevigatum*) is a recent incursion in the ACT. This plant is of concern because of its ability to prevent native water plants from growing, reduce light, food and shelter for fish and other aquatic animals, and block waterways and irrigation channels. Frogbit has been declared to be 'prohibited matter' under the *Biosecurity Act 2015* (NSW).

The instrument declares Frogbit to be a pest plant in the ACT. The instrument also declares Frogbit to be a pest plant that is notifiable, prohibited and must be suppressed.

The instrument does not repeal the *Pest Plants and Animals (Pest Plant) Declaration 2020* [DI2020-291] or the *Pest Plants and Animals (Pest Plants) Declaration 2015* [2015-59].

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 plant 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 plant. The instrument does not engage any rights under the *Human Rights Act 2004*.

Outline of provisions

Clause 1 states the name of the instrument.

Clause 2 states that the instrument commences on the day after its notification day.

Clause 3 provides that the pest plant in schedule 1 is declared to be a pest plant under the Act. Clause 3 also provides that the plant is a pest plant that is notifiable, prohibited and must be suppressed.

Schedule 1 provides that Frogbit (*Limnobium laevigatum*) is a notifiable and prohibited pest plant that must be suppressed for the purposes of the Act.