

Australian Capital Territory

Pest Plants and Animals (Pest Animal) Declaration 2021 (No 1)

Disallowable instrument DI2021–40

made under the

Pest Plants and Animals Act 2005, s 16 (Declaration of pest animal)

EXPLANATORY STATEMENT

This explanatory statement relates to the *Pest Plants and Animals (Pest Animal) Declaration 2020 (No 1)* as declared by the Minister for the Environment. It has been prepared in order to assist the reader of the disallowable instrument and to help inform debate on it. It does not form part of the disallowable instrument and has not been endorsed by the Assembly.

Overview

The main objects of the *Pest Plants and Animals Act 2005* (the Act) are to protect the ACT's land and aquatic resources from threats from pest plants and animals, to promote a strategic and sustainable approach to pest management, to identify pest plants and animals, and to manage pest plants and animals.

Section 16 of the Act provides that the Minister may declare an animal to be a pest animal. A declaration may declare that an animal is a pest animal whose presence must be notified to the Director-General (a notifiable pest animal) or that an animal is a pest animal whose supply or keeping is prohibited (a prohibited pest animal). Some pest animals have been declared to be both notifiable and prohibited. A declaration is a disallowable instrument.

This instrument declares Khapra Beetle (*Trogoderma granarium*) as a notifiable pest animal in the ACT. The instrument also declares Khapra Beetle as a prohibited pest animal.

The declaration is being made in response to recent incursions of Khapra Beetle in the ACT. The Khapra Beetle is recognised by the Australian Government Department of Agriculture, Water and the Environment (DAWE) as 'Australia's number two National Priority Plant Pest' and 'the number one priority plant pest for grains'. The Khapra Beetle feeds on goods such as grains and dry food stuffs and can cause significant damage to produce. Khapra Beetle is currently considered an 'exotic' pest that has not become established in Australia.

If Khapra Beetle became established in Australia, it could have a catastrophic effect on Australia's grain industry. Declaring Khapra Beetle as a pest animal in the ACT would assist in early detection and strengthen the Territory's regulatory response to any future incursions.

This instrument does not repeal the *Pest Plants and Animals (Pest Animals) Declaration 2016 (No 1)* [DI2016-312].

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 animal 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 animal. 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 animal in schedule 1 is declared to be a pest animal under the Act.

Schedule 1 provides that the invertebrate Khapra Beetle is a notifiable and prohibited pest animal for the purposes of the Act.