

AUSTRALIAN CAPITAL TERRITORY

LAND (PLANNING AND ENVIRONMENT) ACT 1991

DECLARATION OF PEST PLANTS

EXPLANATORY STATEMENT

INSTRUMENT NO. 120 OF 1999

The Act states that the Minister may by instrument declare a class of plants to be pest plants; either generally or in a specified area but the declaration cannot be made unless the Minister has consulted with the Flora and Fauna Committee established under the *Nature Conservation Act 1980*. The instrument is disallowable. After making a declaration the Minister shall prepare a plan for the control of the propagation of plants of the relevant class.

A person may apply to the Minister for an order against another who is using or managing land in a way that fails to control the propagation of a pest plant. The ACT Government is bound by the Act.

The Government has endorsed the 'Problem Plant Species List for the ACT' identifying the ACT's major weeds, putting them into categories, and has a management program and plans to indicate future directions. However, there is still no legal basis for the removal of these plants from areas of land, unless declared as pest plants.