

TASMANIA

WEED MANAGEMENT AMENDMENT BILL 2006

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WEED MANAGEMENT AMENDMENT BILL 2006

*(Brought in by the Minister for Primary Industries and Water,
the Honourable David Edward Llewellyn)*

A BILL FOR

An Act to amend the *Weed Management Act 1999*

Be it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

1. Short title

This Act may be cited as the *Weed Management Amendment Act 2006*.

2. Commencement

This Act commences on a day to be proclaimed.

3. Principal Act

In this Act, the *Weed Management Act 1999** is referred to as the Principal Act.

*No. 105 of 1999

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4. Section 7 amended (Declaration of weeds)

Section 7 of the Principal Act is amended by omitting “Division” and substituting “Part”.

5. Section 9 amended (Order for declared weed)

Section 9 of the Principal Act is amended as follows:

(a) by omitting paragraph (a) from subsection (1) and substituting the following paragraph:

(a) the plant may have an adverse impact on –

- (i) the productive capacity of Tasmania, another State or a Territory; or
- (ii) any natural or physical resources of Tasmania, another State or a Territory; or
- (iii) the genetic diversity of an indigenous plant of Tasmania, another State or a Territory; or
- (iv) the genetic integrity of an indigenous plant of Tasmania, another State or a Territory; or

(v) the maintenance of indigenous ecological processes of Tasmania, another State or a Territory; and

(b) by inserting in subsection (3)(b) “draft” after “no”.

6. Section 20 substituted

Section 20 of the Principal Act is repealed and the following section is substituted:

20. Changes to weed management plan

- (1) The Minister, by order published in the *Gazette*, may change a weed management plan by omitting, amending, substituting or adding any provision if satisfied that an emergency has arisen, or is likely to arise, making it necessary or advisable to so change the weed management plan.
- (2) The Secretary may amend a weed management plan by –
 - (a) correcting a minor error in the plan; or
 - (b) making a change of form, not involving a change of substance, in the plan.

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7. Section 21 amended (Notification of changes to weed management plan)

Section 21 of the Principal Act is amended by omitting “section 20” and substituting “section 20(1)”.

8. Section 22 amended (Period of order, &c.)

Section 22 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “section 20” and substituting “section 20(1)”;
- (b) by omitting from subsection (2) “section 20” and substituting “section 20(1)”;
- (c) by inserting the following subsection after subsection (2):
 - (3) An amendment to a weed management plan under section 20(2) is in force for the period during which the weed management plan is in force.

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9. Section 23 amended (Suspension of substituted provision)

Section 23 of the Principal Act is amended by omitting “section 20” and substituting “section 20(1)”.

10. Section 24 amended (Review of weed management plan)

Section 24 of the Principal Act is amended by inserting after subsection (5) the following subsection:

- (6) An amendment to a weed management plan under this section is in force for the period during which the weed management plan is in force.

11. Section 56 substituted

Section 56 of the Principal Act is repealed and the following section is substituted:

56. Sale, purchase, propagation, use, &c., of declared weed prohibited

- (1) A person must not –
 - (a) sell a declared weed or any material or thing containing or carrying a declared weed; or
 - (b) purchase or offer to purchase a declared weed or any material or

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thing containing or carrying a declared weed; or

- (c) grow, propagate or scatter a declared weed; or
- (d) store a declared weed or any material or thing containing or carrying a declared weed; or
- (e) hire or offer for hire any material or thing containing or carrying a declared weed; or
- (f) use a declared weed or any material or thing containing or carrying a declared weed; or
- (g) deal with a declared weed or any material or thing containing or carrying a declared weed in any manner that is likely to result in the spread of the declared weed.

Penalty: Fine not exceeding 50 penalty units.

- (2) Subsection (1) does not apply in respect of feed grain for animals that is –
 - (a) carrying a declared weed; and
 - (b) imported into Tasmania in accordance with any measures prescribed for the purpose of section 57(2).

- (3) It is a defence in proceedings for an offence under subsection (1) if the defendant establishes that he or she took all reasonable actions to prevent the commission of the offence.

12. Section 57 amended (Importation of declared weed)

Section 57 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “the State any declared weed if prohibited to do so by a weed management plan.” and substituting “Tasmania any declared weed.”;
- (b) by omitting subsections (2) and (3) and substituting the following subsections:
- (2) A person must not import or allow to be imported into Tasmania, otherwise than in accordance with any prescribed measures, any feed grain for animals that may be carrying a declared weed.

Penalty: Fine not exceeding 50 penalty units.

- (3) A person must not import or allow to be imported into Tasmania, otherwise than in accordance with any prescribed

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measures, any livestock that may
be carrying a declared weed.

Penalty: Fine not exceeding 50
penalty units.