



Australian Capital Territory

Nature Conservation Amendment Act 2024

A2024-38

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Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

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Australian Capital Territory

Nature Conservation Amendment Act 2024

A2024-38

An Act to amend the *Nature Conservation Act 2014*

The Legislative Assembly for the Australian Capital Territory enacts as follows:

J2023-1275

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

1 Name of Act

This Act is the *Nature Conservation Amendment Act 2024*.

2 Commencement

This Act commences on the day after its notification day.

Note The naming and commencement provisions automatically commence on the notification day (see [Legislation Act](#), s 75 (1)).

3 Legislation amended

This Act amends the *Nature Conservation Act 2014*.

**4 Chapter 6 exceptions
Section 153 (2) (a) (ii) and note**

substitute

- (ii) undertaken in accordance with a management agreement under chapter 12; or

5 Section 153 (2) (a) (v), note

substitute

Note *Fisheries management plan*—see the dictionary.

6 Sections 213 to 215

substitute

213 Offence—entry fee for reserve not paid

- (1) A person commits an offence if—
 - (a) the Minister has determined an entry fee under section 368 in relation to the person’s entry to a reserve; and

- (b) the person enters, or remains in, the reserve; and
- (c) the entry fee is not paid.

Maximum penalty: 20 penalty units.

- (2) An offence against this section is a strict liability offence.
- (3) A person has the benefit of the chapter 9 exceptions for an offence against this section.

Note The chapter 9 exceptions are set out in s 252.

214 Offence—take or allow non-native animal into reserve

- (1) A person commits an offence if—
 - (a) the person—
 - (i) takes an animal that is not a native animal into a reserve; or
 - (ii) allows an animal that is not a native animal to enter, or remain in, a reserve; and
 - (b) the person is the animal's keeper.

Maximum penalty: 50 penalty units.

- (2) An offence against this section is a strict liability offence.
- (3) This section does not apply if—
 - (a) the person only travels through the reserve by road in a motor vehicle with the animal; and
 - (b) the animal is confined in the motor vehicle while in the reserve.

Note The defendant has an evidential burden in relation to the matters mentioned in s (3) (see [Criminal Code](#), s 58).

- (4) A person has the benefit of the chapter 9 exceptions for an offence against this section.

Note 1 The chapter 9 exceptions are set out in s 252.

Note 2 A person does not commit an offence only because the person is accompanied by an assistance animal and takes, or allows, the animal into any part of a reserve that is a public place or public premises (see [Domestic Animals Act 2000](#), s 106C).

215 Offence—feed animal in reserve

- (1) A person commits an offence if the person—
- (a) feeds an animal; and
 - (b) the animal is in a reserve.

Maximum penalty: 10 penalty units.

- (2) An offence against this section is a strict liability offence.
- (3) This section does not apply if—
- (a) the animal is allowed to enter, or remain in, the reserve under this Act or another law applying in the ACT; and
 - (b) the person is the animal’s keeper or is allowed by the keeper to feed the animal.

Note The defendant has an evidential burden in relation to the matters mentioned in s (3) (see [Criminal Code](#), s 58).

- (4) A person has the benefit of the chapter 9 exceptions for an offence against this section.

Note The chapter 9 exceptions are set out in s 252.

- (5) In this section:

feed, an animal, includes make food available to the animal.

**7 Chapter 9 exceptions
Section 252 (2) (a) (ii) and note**

substitute

- (ii) undertaken in accordance with a management agreement under chapter 12; or

8 Section 252 (2) (a) (iv), note

omit

9 New section 252 (3)

after the notes, insert

- (3) In this section:

minor public works—see the *Planning (General) Regulation 2023*, schedule 1, section 1.1.

10 Chapter 10, note

substitute

Note If land in a reserve is public unleased land, the provisions of the *Public Unleased Land Act 2013* apply. For example, a person wishing to camp in a reserve may need a public unleased land permit if the camping is not authorised under this Act.

**11 Conservator may make activities declarations
Section 256 (1)**

substitute

- (1) This section applies if the conservator reasonably believes that an activity, if carried out in a reserve, may have a negative impact on—
 - (a) the reserve; or
 - (b) a person in the reserve.

**12 Offence—enter closed reserve
Section 260 (1) (b)**

substitute

- (b) the person enters, or remains in, the reserve in contravention of the declaration.

**13 Part 10.2 exceptions
Section 261 (2) (c), except note**

substitute

- (c) the conduct constituting the offence is undertaken—
- (i) in accordance with—
 - (A) a cultural resource management plan; or
 - (B) a management agreement under chapter 12; or
 - (ii) in carrying out minor public works on a reserve in accordance with a minor public works code approved by the conservator of flora and fauna under section 318A.

14 New section 261 (4)

after the notes, insert

- (4) In this section:

minor public works—see the *Planning (General) Regulation 2023*, schedule 1, section 1.1.

**15 Direction to leave reserve
New section 325 (2A)**

insert

- (2A) A leave reserve direction must state—
- (a) the location of the reserve; and

- (b) that the person may return to the reserve only after—
- (i) if a closed reserve declaration under section 259 is in force for the reserve—the declaration ends; or
 - (ii) in any other case—a stated time not more than 24 hours after the direction is given to the person.

Note It is an offence to enter, or remain in, a reserve if a closed reserve declaration is in force for the reserve (see s 260).

16 Section 327 heading

substitute

327 Direction to stop vehicle

17 Section 327 (1), except note

substitute

- (1) This section applies if a conservation officer suspects on reasonable grounds that a vehicle, or something in a vehicle, is connected with an offence against this Act.

18 New section 327 (6)

before the note, insert

- (6) In this section:
- connected*—see section 337.
- offence*—see section 337.

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 11 April 2024.

2 Notification

Notified under the [Legislation Act](#) on 12 September 2024.

3 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

I certify that the above is a true copy of the Nature Conservation Amendment Bill 2024, which was passed by the Legislative Assembly on 27 August 2024.

Clerk of the Legislative Assembly

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