

2017

THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

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(As presented)

(Minister for Transport and City Services)

## Tree Protection Amendment Bill 2017

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### A Bill for

An Act to amend the *Tree Protection Act 2005*

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

1 **1 Name of Act**

2 This Act is the *Tree Protection Amendment Act 2017*.

3 **2 Commencement**

4 This Act commences on the day after its notification day.

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

7 **3 Legislation amended**

8 This Act amends the *Tree Protection Act 2005*.

9 **4 New division 7.4**

10 *insert*

11 **Division 7.4 Death of tree from natural causes**

12 **61A Application—div 7.4**

13 This division applies if the conservator is satisfied, on reasonable  
14 grounds, that a registered tree has died of natural causes.

15 **61B Cancellation of registration of dead tree**

- 16 (1) The conservator may cancel the registration of the tree.  
17 (2) Division 7.3 does not apply to the cancellation.

18 **61C Notice of cancellation of registration of dead tree**

- 19 (1) The conservator must give written notice of a decision under  
20 section 61B to—  
21 (a) the lessee of, or land management agency for, the land where  
22 the tree is located; and

- 1 (b) if the tree is on leased land—the lessee of, or land management  
2 agency for, land that—
- 3 (i) adjoins the land where the tree is located; and  
4 (ii) is within 50m of the tree.
- 5 (2) However, the conservator need not give more than 1 notice to a  
6 particular person.
- 7 (3) The conservator may give written notice of the decision to anyone  
8 else the conservator considers appropriate.
- 9 (4) The conservator must also give public notice of the decision.
- 10 *Note* **Public notice** means notice on an ACT government website or in a daily  
11 newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1).
- 12 (5) A notice under this section must not include restricted information.

### 13 **61D Cancellation of registration of dead tree—tree register**

- 14 (1) This section applies if the conservator cancels the registration of a  
15 tree under section 61B.
- 16 (2) The conservator must remove the entry about the tree from the tree  
17 register.

## 18 **5 Reviewable decisions**

### 19 **Schedule 1, part 1.2, items 1 and 2**

20 *substitute*

1	52	approve, or refuse to approve, registration of tree	person given written notice, under section 53 (1) (a), (b), (c) or (e), of registration decision
2	58	cancel, or refuse to cancel, registration of tree	person given written notice, under section 59 (1) (a), (b), (c) or (e), of decision to cancel, or refuse to cancel, registration

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## Endnotes

**1 Presentation speech**

Presentation speech made in the Legislative Assembly on 24 August 2017.

**2 Notification**

Notified under the [Legislation Act](#) on 2017.

**3 Republications of amended laws**

For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au).

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