2024

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Minister for the Environment, Parks and Land Management)

Nature Conservation Amendment Bill 2024

Contents

 Page

 [1 Name of Act 2](#_Toc163068838)

 [2 Commencement 2](#_Toc163068839)

 [3 Legislation amended 2](#_Toc163068840)

 [4 Chapter 6 exceptions
Section 153 (2) (a) (ii) and note 2](#_Toc163068841)

 [5 Section 153 (2) (a) (v), note 2](#_Toc163068842)

 [6 Sections 213 to 215 2](#_Toc163068843)

 [7 Chapter 9 exceptions
Section 252 (2) (a) (ii) and note 5](#_Toc163068844)

 [8 Section 252 (2) (a) (iv), note 5](#_Toc163068845)

 [9 New section 252 (3) 5](#_Toc163068846)

 [10 Chapter 10, note 5](#_Toc163068847)

 [11 Conservator may make activities declarations
Section 256 (1) 5](#_Toc163068848)

 [12 Offence—enter closed reserve
Section 260 (1) (b) 6](#_Toc163068849)

 [13 Part 10.2 exceptions
Section 261 (2) (c), except note 6](#_Toc163068850)

 [14 New section 261 (4) 6](#_Toc163068851)

 [15 Direction to leave reserve
New section 325 (2A) 6](#_Toc163068852)

 [16 Section 327 heading 7](#_Toc163068853)

 [17 Section 327 (1), except note 7](#_Toc163068854)

 [18 New section 327 (6) 7](#_Toc163068855)

2024

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Minister for the Environment, Parks and Land Management)

Nature Conservation Amendment Bill 2024

A Bill for

An Act to amend the [Nature Conservation Act 2014](http://www.legislation.act.gov.au/a/2014-59%22%20%5Co%20%22A2014-59)

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

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](http://www.legislation.act.gov.au/a/2001-14), s 75 (1)).

3 Legislation amended

This Act amends the [Nature Conservation Act 2014](http://www.legislation.act.gov.au/a/2014-59).

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](http://www.legislation.act.gov.au/a/2002-51), 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](http://www.legislation.act.gov.au/a/2000-86), 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](http://www.legislation.act.gov.au/a/2002-51), 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](http://www.legislation.act.gov.au/sl/2023-20), 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](http://www.legislation.act.gov.au/a/2013-3) 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](http://www.legislation.act.gov.au/sl/2023-20), 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](http://www.legislation.act.gov.au/a/2001-14) on 2024.

3 Republications of amended laws

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

© Australian Capital Territory 2024