

2024

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Minister for the Environment, Parks and Land Management)

Nature Conservation Amendment Bill 2024

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(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*

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

1 **1 Name of Act**

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

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 *Nature Conservation Act 2014*.

9 **4 Chapter 6 exceptions**
10 **Section 153 (2) (a) (ii) and note**

11 *substitute*

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

14 **5 Section 153 (2) (a) (v), note**

15 *substitute*

16 *Note* *Fisheries management plan*—see the dictionary.

17 **6 Sections 213 to 215**

18 *substitute*

19 **213 Offence—entry fee for reserve not paid**

20 (1) A person commits an offence if—

21 (a) the Minister has determined an entry fee under section 368 in
22 relation to the person’s entry to a reserve; and

1 (b) the person enters, or remains in, the reserve; and

2 (c) the entry fee is not paid.

3 Maximum penalty: 20 penalty units.

4 (2) An offence against this section is a strict liability offence.

5 (3) A person has the benefit of the chapter 9 exceptions for an offence
6 against this section.

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

8 **214 Offence—take or allow non-native animal into reserve**

9 (1) A person commits an offence if—

10 (a) the person—

11 (i) takes an animal that is not a native animal into a reserve;
12 or

13 (ii) allows an animal that is not a native animal to enter, or
14 remain in, a reserve; and

15 (b) the person is the animal's keeper.

16 Maximum penalty: 50 penalty units.

17 (2) An offence against this section is a strict liability offence.

18 (3) This section does not apply if—

19 (a) the person only travels through the reserve by road in a motor
20 vehicle with the animal; and

21 (b) the animal is confined in the motor vehicle while in the reserve.

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

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

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

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

8 **215 Offence—feed animal in reserve**

9 (1) A person commits an offence if the person—

- 10 (a) feeds an animal; and
11 (b) the animal is in a reserve.

12 Maximum penalty: 10 penalty units.

13 (2) An offence against this section is a strict liability offence.

14 (3) This section does not apply if—

- 15 (a) the animal is allowed to enter, or remain in, the reserve under
16 this Act or another law applying in the ACT; and
17 (b) the person is the animal’s keeper or is allowed by the keeper to
18 feed the animal.

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

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

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

24 (5) In this section:

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

1 **7 Chapter 9 exceptions**
2 **Section 252 (2) (a) (ii) and note**

3 *substitute*

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

6 **8 Section 252 (2) (a) (iv), note**

7 *omit*

8 **9 New section 252 (3)**

9 *after the notes, insert*

- 10 (3) In this section:

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

13 **10 Chapter 10, note**

14 *substitute*

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

19 **11 Conservator may make activities declarations**
20 **Section 256 (1)**

21 *substitute*

- 22 (1) This section applies if the conservator reasonably believes that an
23 activity, if carried out in a reserve, may have a negative impact on—

24 (a) the reserve; or

25 (b) a person in the reserve.

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

3 *substitute*

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

6 **13 Part 10.2 exceptions**
7 **Section 261 (2) (c), except note**

8 *substitute*

9 (c) the conduct constituting the offence is undertaken—

10 (i) in accordance with—

11 (A) a cultural resource management plan; or

12 (B) a management agreement under chapter 12; or

13 (ii) in carrying out minor public works on a reserve in
14 accordance with a minor public works code approved by
15 the conservator of flora and fauna under section 318A.

16 **14 New section 261 (4)**

17 *after the notes, insert*

18 (4) In this section:

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

21 **15 Direction to leave reserve**
22 **New section 325 (2A)**

23 *insert*

24 (2A) A leave reserve direction must state—

25 (a) the location of the reserve; and

1 (b) that the person may return to the reserve only after—

2 (i) if a closed reserve declaration under section 259 is in force
3 for the reserve—the declaration ends; or

4 (ii) in any other case—a stated time not more than 24 hours
5 after the direction is given to the person.

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

8 **16 Section 327 heading**

9 *substitute*

10 **327 Direction to stop vehicle**

11 **17 Section 327 (1), except note**

12 *substitute*

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

16 **18 New section 327 (6)**

17 *before the note, insert*

18 (6) In this section:

19 *connected*—see section 337.

20 *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 2024.

3 Republications of amended laws

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

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