2023

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Minister for the Environment)

Nature Conservation Amendment Bill 2023

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THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Minister for the Environment)

Nature Conservation Amendment Bill 2023

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), and for other purposes

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

1 Name of Act

This Act is the *Nature Conservation Amendment Act 2023*.

2 Commencement

This Act commences on a day fixed by the Minister by written notice.

Note 1 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)).

Note 2 A single day or time may be fixed, or different days or times may be fixed, for the commencement of different provisions (see [Legislation Act](http://www.legislation.act.gov.au/a/2001-14), s 77 (1)).

Note 3 If a provision has not commenced within 6 months beginning on the notification day, it automatically commences on the first day after that period (see [Legislation Act](http://www.legislation.act.gov.au/a/2001-14), s 79).

3 Legislation amended

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

Note This Act also amends the [Magistrates Court (Nature Conservation Infringement Notices) Regulation 2015](http://www.legislation.act.gov.au/sl/2015-20) (see sch 1).

4 Definitions—div 6.1.2
Section 127, new definition of prohibited fruit netting

insert

prohibited fruit netting means netting that has a mesh hole size greater than 5mm x 5mm when fully stretched.

5 New sections 138A and 138B

in division 6.1.2, insert

138A Offence—use prohibited fruit netting

 (1) A person commits an offence if—

 (a) the person places netting on a plant; and

 (b) the plant is on residential premises; and

 (c) the netting is prohibited fruit netting.

Maximum penalty: 5 penalty units.

 (2) A person commits an offence if—

 (a) netting is on a plant; and

 (b) the plant is on residential premises; and

 (c) the person is the occupier of the premises; and

 (d) the netting is prohibited fruit netting.

Maximum penalty: 5 penalty units.

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

138B Offence—prohibited fruit netting retail display

 (1) A person commits an offence if—

 (a) the person displays netting for sale by retail; and

 (b) the netting is prohibited fruit netting; and

 (c) the person does not display the netting in accordance with the display requirements for prohibited fruit netting.

Maximum penalty: 10 penalty units.

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

 (3) For this section, the display requirements for prohibited fruit netting are as follows:

 (a) the display must have a sign containing the following statement:

‘Use of this netting on residential properties is restricted in the ACT as it can lead to wildlife injury or death. Penalties may apply (Nature Conservation Act 2014, section 138A)’;

 (b) the sign must be placed prominently so that it can be seen and read easily by a person at or near the display;

 (c) the statement on the sign must be printed in—

 (i) a colour that contrasts with the background colour of the sign; and

 (ii) Arial bold typeface in not less than 50 point.

Schedule 1 Magistrates Court (Nature Conservation Infringement Notices) Regulation 2015—Consequential amendment

(see s 3)

[1.1] Schedule 1, new items 2A to 2C

insert

|  |  |  |  |
| --- | --- | --- | --- |
| 2A | 138A (1) | 5 | 150 |
| 2B | 138A (2) | 5 | 150 |
| 2C | 138B (1) | 10 | 250 |

Endnotes

1 Presentation speech

 Presentation speech made in the Legislative Assembly on 19 September 2023.

2 Notification

 Notified under the [Legislation Act](http://www.legislation.act.gov.au/a/2001-14) on 2023.

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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