

2023

THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

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(As presented)

(Minister for the Environment)

# Nature Conservation Amendment Bill 2023

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# Nature Conservation Amendment Bill 2023

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## A Bill for

An Act to amend the *Nature Conservation Act 2014*, and for other purposes

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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](#), 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](#), 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](#), s 79).

**3 Legislation amended**

This Act amends the *Nature Conservation Act 2014*.

*Note* This Act also amends the *Magistrates Court (Nature Conservation Infringement Notices) Regulation 2015* (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

- 1 (b) the plant is on residential premises; and
- 2 (c) the netting is prohibited fruit netting.
- 3 Maximum penalty: 5 penalty units.
- 4 (2) A person commits an offence if—
- 5 (a) netting is on a plant; and
- 6 (b) the plant is on residential premises; and
- 7 (c) the person is the occupier of the premises; and
- 8 (d) the netting is prohibited fruit netting.
- 9 Maximum penalty: 5 penalty units.
- 10 (3) An offence against this section is a strict liability offence.
- 11 **138B Offence—prohibited fruit netting retail display**
- 12 (1) A person commits an offence if—
- 13 (a) the person displays netting for sale by retail; and
- 14 (b) the netting is prohibited fruit netting; and
- 15 (c) the person does not display the netting in accordance with the
- 16 display requirements for prohibited fruit netting.
- 17 Maximum penalty: 10 penalty units.
- 18 (2) An offence against this section is a strict liability offence.
- 19 (3) For this section, the *display requirements* for prohibited fruit netting
- 20 are as follows:
- 21 (a) the display must have a sign containing the following statement:
- 22 ‘Use of this netting on residential properties is
- 23 restricted in the ACT as it can lead to wildlife
- 24 injury or death. Penalties may apply (Nature
- 25 Conservation Act 2014, section 138A)’;

- 1           (b) the sign must be placed prominently so that it can be seen and
- 2           read easily by a person at or near the display;
- 3           (c) the statement on the sign must be printed in—
- 4               (i) a colour that contrasts with the background colour of the
- 5               sign; and
- 6               (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

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## Endnotes

**1 Presentation speech**

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

**2 Notification**

Notified under the [Legislation Act](#) 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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