



Australian Capital Territory

Tree Protection Amendment Act 2017

A2017-37

An Act to amend the *Tree Protection Act 2005*

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

1 Name of Act

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

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](#), s 75 (1)).

3 Legislation amended

This Act amends the *Tree Protection Act 2005*.

4 New division 7.4

insert

Division 7.4 Death of tree from natural causes

61A Application—div 7.4

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

61B Cancellation of registration of dead tree

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

61C Notice of cancellation of registration of dead tree

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

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

61D Cancellation of registration of dead tree—tree register

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

5 Reviewable decisions Schedule 1, part 1.2, items 1 and 2

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

Endnotes

1 Presentation speech

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

2 Notification

Notified under the [Legislation Act](#) on 9 November 2017.

3 Republications of amended laws

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

I certify that the above is a true copy of the Tree Protection Amendment Bill 2017, which was passed by the Legislative Assembly on 31 October 2017.

Acting Clerk of the Legislative Assembly

© Australian Capital Territory 2017