



Australian Capital Territory

# Nature Conservation Amendment Act 2023

A2023-56

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Australian Capital Territory

# Nature Conservation Amendment Act 2023

A2023-56

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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

- (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

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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 11 December 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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I certify that the above is a true copy of the Nature Conservation Amendment Bill 2023, which was passed by the Legislative Assembly on 29 November 2023.

Clerk of the Legislative Assembly

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