

2025

THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

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(As presented)

(Minister for Climate Change, Environment, Energy and Water)

# Environment Legislation Amendment Bill 2025

## Contents

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	Page
<b>Part 1 Preliminary</b>	
1 Name of Act	2
2 Commencement	2
3 Legislation amended	2
<b>Part 2 Biosecurity Act 2023</b>	
4 New section 232A	3
5 New part 16B	4
6 Reviewable decisions Schedule 1, item 13, column 3	5

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Authorised by the ACT Parliamentary Counsel—also accessible at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)

<b>Part 3</b>	<b>Biosecurity (National Livestock Identification System) Regulation 2025</b>	
7	Incorporating, applying or adopting documents Section 92	6
8	Dictionary, definition of <i>NLIS Cattle Standards</i> , note 1	6
9	Dictionary, definition of <i>NLIS Sheep and Goat Standards</i> , note 1	6
<b>Part 4</b>	<b>Biosecurity Regulation 2025</b>	
10	Definitions—div 2.2 Section 7 (2), definition of <i>AS 5008</i> , note 1	7
11	Section 7 (2), definition of <i>National Standard for Recycling Used Cooking Oil for Animal Feed</i> , note 1	7
12	Offence—Newcastle disease vaccination` Section 18 (3), definition of <i>Newcastle disease vaccination program</i> , note 1	7
13	Condition—compliance with code of practice Section 38 (2), definition of <i>Australian Honey Bee Industry Biosecurity Code of Practice</i> , note 1	7
14	Dealing with certain vaccines is regulated dealing—Act, s 88 Section 42 (3), definition of <i>agvet code</i> , note 1	8
15	Miscellaneous Part 9	8
<b>Part 5</b>	<b>Commissioner for Sustainability and the Environment Act 1993</b>	
16	State of the environment report Section 19 (3)	9
<b>Part 6</b>	<b>Energy Efficiency (Cost of Living) Improvement Act 2012</b>	
17	Codes of practice Section 25 (1) and (2), notes	10
18	Section 25 (3) and notes	10

	Page
<b>Part 7</b>	
<b>Fisheries Act 2000</b>	
19 Meaning of <i>suitability information</i> about a person—pt 4 Section 24, definition of <i>suitability information</i> , paragraph (a) (vii), example 3	11
20 Return of things seized Section 72H (2) (b)	11
<b>Part 8</b>	
<b>Lakes Act 1976</b>	
21 Application Section 5	12
22 Section 5, note 1	12
23 Use of power boats—other people Section 29 (7)	12
24 Restrictions—power boats Section 30 (3), note	13
25 Agreements for use of lake areas Section 35 (4)	13
26 Commercial activities in lake area Section 36 (2), note	13
27 Meaning of <i>appropriate lifejacket</i> —div 5.2 Section 41, definition of <i>appropriate lifejacket</i> , paragraph (a) (ii) and note	14
28 New section 41 (2)	14
29 Dictionary, note 2	14
30 Dictionary, definition of <i>Commonwealth Minister</i>	14
31 Dictionary, definition of <i>lake</i> , paragraph (b), note	15
32 Dictionary, definition of <i>RMS</i>	15
<b>Part 9</b>	
<b>National Environment Protection Council Act 1994</b>	
33 Sections 8 (3) and 10 (3)	16
34 Council may make national environment protection measures Section 13 (2) (b)	16
35 Sections 13 to 17 etc	16
36 Section 58 heading	17
37 Section 58	17

		Page
38	Review of operation of Act Section 63 (1)	17
39	Schedule 1 heading, reference	17
<b>Part 10</b>	<b>Nature Conservation Act 2014</b>	
40	Chapter 6 exceptions New section 153 (2) (b) (iia) and (iib)	18
41	Direction to leave reserve Section 325 (1) and note	18
<b>Part 11</b>	<b>Water Efficiency Labelling and Standards (ACT) Act 2015</b>	
42	Application of Commonwealth administrative laws to applied provisions Section 17 (5)	19
43	Section 17 (5)	19
44	Dictionary, definition of <i>Commonwealth administrative laws</i> , paragraph (a)	19

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# Environment Legislation Amendment Bill 2025

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## A Bill for

An Act to amend legislation about the environment

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

1 **Part 1 Preliminary**

2 **1 Name of Act**

3 This Act is the *Environment Legislation Amendment Act 2025*.

4 **2 Commencement**

5 This Act commences on the 14th day after its notification day.

6 *Note* The naming and commencement provisions automatically commence on  
7 the notification day (see [Legislation Act](#), s 75 (1)).

8 **3 Legislation amended**

9 This Act amends the legislation mentioned in parts 2 to 11.

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## Part 2 Biosecurity Act 2023

### 4 New section 232A

*insert*

#### 232A Applying, adopting or incorporating documents in regulations and instruments

- (1) A regulation or instrument may apply, adopt or incorporate (with or without change or modification)—
- (a) a law, an Australian Standard or an Australian/New Zealand Standard as in force from time to time; or
  - (b) another instrument as in force from time to time.
- (2) The [Legislation Act](#), section 47 (5) and (6) do not apply to a document applied, adopted or incorporated under subsection (1).
- (3) The director-general must ensure that an instrument applied, adopted or incorporated under subsection (1) (b) is—
- (a) available for inspection by anyone without charge during ordinary business hours at an ACT government office; or
  - (b) accessible on an ACT government website, or by a link on an ACT government website.
- (4) An instrument applied, adopted or incorporated under subsection (1) (b) is not enforceable by or against the Territory or anyone else unless it is made accessible in accordance with subsection (3).

**5 New part 16B***insert***Part 16B Transitional—Environment  
Legislation Amendment Act 2025****234F Meaning of *commencement day*—pt 16B**

In this part:

*commencement day* means the day the *Environment Legislation Amendment Act 2025*, section 4 commences.**234G Applied, adopted or incorporated instruments**

- (1) This section applies to a law, an Australian Standard or another instrument that, before the commencement day, was applied, adopted or incorporated (an *applied instrument*) by—

(a) the *Biosecurity (National Livestock Identification System) Regulation 2025*; or

(b) the *Biosecurity Regulation 2025*; or

(c) a statutory instrument made under the *Biosecurity (National Livestock Identification System) Regulation 2025*; or

(d) a statutory instrument made under the *Biosecurity Regulation 2025*.

- (2) The applied instrument is taken to have been applied, adopted or incorporated under section 232A.

**234H Expiry—pt 16B**

This part expires 1 year after the commencement day.

*Note* A transitional provision is repealed on its expiry but continues to have effect after its repeal (see [Legislation Act](#), s 88).

1	<b>6</b>	<b>Reviewable decisions</b>
2		<b>Schedule 1, item 13, column 3</b>
3		<i>omit</i>
4		order
5		<i>substitute</i>
6		notice

1	<b>Part 3</b>	<b>Biosecurity (National Livestock</b>
2		<b>Identification System)</b>
3		<b>Regulation 2025</b>
4	<b>7</b>	<b>Incorporating, applying or adopting documents</b>
5		<b>Section 92</b>
6		<i>omit</i>
7	<b>8</b>	<b>Dictionary, definition of <i>NLIS Cattle Standards</i>, note 1</b>
8		<i>substitute</i>
9	<i>Note 1</i>	The NLIS Cattle Standards do not need to be notified under the
10		<a href="#">Legislation Act</a> because s 47 (6) does not apply to them (see <a href="#">Act</a> , s 232A).
11		However, they must be made available to the public as required by the
12		<a href="#">Act</a> , s 232A (3).
13	<b>9</b>	<b>Dictionary, definition of <i>NLIS Sheep and Goat Standards</i>, note 1</b>
14		
15		<i>substitute</i>
16	<i>Note 1</i>	The NLIS Sheep and Goat Standards do not need to be notified under the
17		<a href="#">Legislation Act</a> because s 47 (6) does not apply to them (see <a href="#">Act</a> , s 232A).
18		However, they must be made available to the public as required by the
19		<a href="#">Act</a> , s 232A (3).

# Part 4 Biosecurity Regulation 2025

## 10 Definitions—div 2.2 Section 7 (2), definition of AS 5008, note 1

*substitute*

*Note 1* AS 5008 does not need to be notified under the [Legislation Act](#) because s 47 (6) does not apply to it (see [Act](#), s 232A).

## 11 Section 7 (2), definition of National Standard for Recycling Used Cooking Oil for Animal Feed, note 1

*substitute*

*Note 1* The National Standard for Recycling Used Cooking Oil for Animal Feed does not need to be notified under the [Legislation Act](#) because s 47 (6) does not apply to it (see [Act](#), s 232A). However, it must be made available to the public as required by the [Act](#), s 232A (3).

## 12 Offence—Newcastle disease vaccination Section 18 (3), definition of Newcastle disease vaccination program, note 1

*substitute*

*Note 1* The National Newcastle Disease Management Plan does not need to be notified under the [Legislation Act](#) because s 47 (6) does not apply to it (see [Act](#), s 232A). However, it must be made available to the public as required by the [Act](#), s 232A (3).

## 13 Condition—compliance with code of practice Section 38 (2), definition of Australian Honey Bee Industry Biosecurity Code of Practice, note 1

*substitute*

*Note 1* The Australian Honey Bee Industry Biosecurity Code of Practice does not need to be notified under the [Legislation Act](#) because s 47 (6) does not apply to it (see [Act](#), s 232A). However, it must be made available to the public as required by the [Act](#), s 232A (3).

- 1 **14** **Dealing with certain vaccines is regulated dealing—Act,**  
2 **s 88**  
3 **Section 42 (3), definition of *agvet code*, note 1**
- 4 *substitute*
- 5 *Note 1* The Agvet Code of the ACT does not need to be notified under the  
6 [Legislation Act](#) because s 47 (6) does not apply to it (see [Act](#), s 232A).
- 7 **15** **Miscellaneous**  
8 **Part 9**
- 9 *omit*

1	<b>Part 5</b>	<b>Commissioner for Sustainability</b>
2		<b>and the Environment Act 1993</b>
3	<b>16</b>	<b>State of the environment report</b>
4		<b>Section 19 (3)</b>
5		<i>omit</i>
6		within 6 months after the day of receiving a state of the environment
7		report
8		<i>substitute</i>
9		within 6 months after the day the Minister presents a state of the
10		environment report to the Legislative Assembly under section 22

1 **Part 6** **Energy Efficiency (Cost of**  
2 **Living) Improvement Act 2012**

3 **17** **Codes of practice**  
4 **Section 25 (1) and (2), notes**

5 *omit*

6 **18** **Section 25 (3) and notes**

7 *substitute*

- 8 (3) An approved code of practice may apply, adopt or incorporate (with  
9 or without change or modification)—
- 10 (a) a law, an Australian Standard or an Australian/New Zealand  
11 Standard as in force from time to time; or
- 12 (b) another instrument as in force from time to time.
- 13 (4) The [Legislation Act](#), section 47 (5) and (6) do not apply to an  
14 instrument applied, adopted or incorporated under subsection (3).
- 15 (5) The administrator must ensure that an instrument applied, adopted or  
16 incorporated under subsection (3) (b) is—
- 17 (a) available for inspection by anyone without charge during  
18 ordinary business hours at an ACT government office; or
- 19 (b) accessible on an ACT government website, or by a link on an  
20 ACT government website.
- 21 (6) An instrument applied, adopted or incorporated under  
22 subsection (3) (b) is not enforceable by or against the Territory or  
23 anyone else unless it is made accessible in accordance with  
24 subsection (5).

1       **Part 7**                               **Fisheries Act 2000**

2       **19**           **Meaning of *suitability information* about a person—pt 4**  
3                   **Section 24, definition of *suitability information*,**  
4                   **paragraph (a) (vii), example 3**

5                   *substitute*

6                   3    [Biodiversity Conservation Act 2016](#) (NSW)

7       **20**           **Return of things seized**  
8                   **Section 72H (2) (b)**

9                   *omit*

10                  waste manager

11                  *substitute*

12                  director-general

1

**Part 8****Lakes Act 1976**

2

**21      Application  
Section 5**

3

4

*omit*

5

Territory land

6

*substitute*

7

territory land

8

**22      Section 5, note 1**

9

*omit*

10

*Lakes Ordinance 1976 (Cwlth)*

11

*substitute*

12

*[Australian Capital Territory National Land \(Lakes\) Ordinance 2022](#) (Cwlth)*

13

**23      Use of power boats—other people  
Section 29 (7)**

14

15

*omit*

16

*Lakes Ordinance 1976 (Cwlth), section 26*

17

*substitute*

18

*[Australian Capital Territory National Land \(Lakes\) Ordinance 2022](#)  
(Cwlth), section 27*

19

1 **24**      **Restrictions—power boats**  
2            **Section 30 (3), note**

3            *omit*

4            *Lakes Ordinance 1976 (Cwlth), s 26*

5            *substitute*

6            *[Australian Capital Territory National Land \(Lakes\) Ordinance 2022](#) (Cwlth), s 27*

7 **25**      **Agreements for use of lake areas**  
8            **Section 35 (4)**

9            *omit*

10           *Lakes Ordinance 1976 (Cwlth), section 33*

11           *substitute*

12           *[Australian Capital Territory National Land \(Lakes\) Ordinance 2022](#)*  
13           *(Cwlth), section 34*

14 **26**      **Commercial activities in lake area**  
15            **Section 36 (2), note**

16           *omit*

17           *Lakes Ordinance 1976 (Cwlth), s 33*

18           *substitute*

19           *[Australian Capital Territory National Land \(Lakes\) Ordinance 2022](#) (Cwlth), s 35*

Section 27

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- 1 **27**      **Meaning of *appropriate lifejacket*—div 5.2**  
2            **Section 41, definition of *appropriate lifejacket*,**  
3            **paragraph (a) (ii) and note**
- 4            *omit*
- 5            RMS
- 6            *substitute*
- 7            TfNSW
- 8 **28**      **New section 41 (2)**
- 9            *insert*
- 10           (2) In this section:
- 11           *TfNSW*—see the *Transport Administration Act 1988* (NSW),  
12           section 3.
- 13 **29**      **Dictionary, note 2**
- 14           *omit*
- 15                • Territory land
- 16           *substitute*
- 17                • territory land
- 18 **30**      **Dictionary, definition of *Commonwealth Minister***
- 19           *omit*
- 20           *Lakes Ordinance 1976* (Cwlth)
- 21           *substitute*
- 22           *Australian Capital Territory National Land (Lakes) Ordinance 2022*  
23           (Cwlth)

1 **31 Dictionary, definition of *lake*, paragraph (b), note**

2 *omit*

3 *Lakes Ordinance 1976* (Cwlth)

4 *substitute*

5 *Australian Capital Territory National Land (Lakes) Ordinance 2022* (Cwlth)

6 **32 Dictionary, definition of *RMS***

7 *omit*

1       **Part 9**                               **National Environment Protection**  
2   **Council Act 1994**

3       **33**           **Sections 8 (3) and 10 (3)**

4                       *omit*

5                       shall

6                       *substitute*

7                       must

8       **34**           **Council may make national environment protection**  
9                               **measures**  
10                       **Section 13 (2) (b)**

11                       *omit*

12                       *Motor Vehicle Standards Act 1989* (Cwlth)

13                       *substitute*

14                       *Road Vehicle Standards Act 2018* (Cwlth)

15       **35**           **Sections 13 to 17 etc**

16                       *omit*

17                       shall

18                       *substitute*

19                       must

20                       *in*

- 21                       • sections 13 to 17  
22                       • section 19  
23                       • sections 22 to 24  
24                       • section 27

- 1           • sections 36 and 37  
2           • section 40  
3           • section 56

4   **36       Section 58 heading**

5           *substitute*

6   **58       Special provisions relating to reports etc prepared under**  
7           **the Public Governance, Performance and Accountability**  
8           **Act 2013**

9   **37       Section 58**

10          *omit*

11          *Commonwealth Authorities and Companies Act 1997* (Cwlth),  
12          section 9 shall

13          *substitute*

14          *Public Governance, Performance and Accountability Act 2013*  
15          (Cwlth), section 46 must

16   **38       Review of operation of Act**  
17           **Section 63 (1)**

18          *omit*

19          shall

20          *substitute*

21          must

22   **39       Schedule 1 heading, reference**

23          *substitute*

24          (see dict, def *agreement*)

## Part 10 Nature Conservation Act 2014

### 40 Chapter 6 exceptions New section 153 (2) (b) (iia) and (iib)

*insert*

(iia) an emergency declaration under the [Biosecurity Act 2023](#),  
section 38 (1) (Emergency declarations); or

(iib) a control declaration under the [Biosecurity Act 2023](#),  
section 51 (1) (Control declarations); or

### 41 Direction to leave reserve Section 325 (1) and note

*substitute*

(1) This section applies if—

(a) a person is in a reserve; and

(b) a conservation officer believes on reasonable grounds that the  
person—

(i) has acted in an offensive way; or

(ii) has acted in a way that creates a public nuisance; or

(iii) has committed, is committing or is about to commit an  
offence against this Act.

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## Part 11 Water Efficiency Labelling and Standards (ACT) Act 2015

### 42 Application of Commonwealth administrative laws to applied provisions Section 17 (5)

*omit*

*Administrative Appeals Tribunal Act 1975* (Cwlth)

*substitute*

*Administrative Review Tribunal Act 2024* (Cwlth)

### 43 Section 17 (5)

*omit*

part 4A (Appeals and references of questions of law to the Federal Court of Australia)

*substitute*

part 7 (Appeals and references of questions of law to Federal Court)

### 44 Dictionary, definition of *Commonwealth administrative laws*, paragraph (a)

*substitute*

(a) the *Administrative Review Tribunal Act 2024* (other than part 7);

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## Endnotes

**1 Presentation speech**

Presentation speech made in the Legislative Assembly on 6 May 2025.

**2 Notification**

Notified under the [Legislation Act](#) on 2025.

**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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