



Australian Capital Territory

Nature Conservation Amendment Act 2016

A2016-29

Contents

	Page
1 Name of Act	2
2 Commencement	2
3 Legislation amended	2
4 What is a <i>species</i> ? New section 15 (1) (b) (ia)	2
5 What is a <i>native species</i> ? Section 16 (2)	2
6 Sections 63 and 64	3
7 Threatened ecological communities list—categories New section 69 (b) (ia)	7

J2015-806

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

Contents

	Page	
8	Threatened ecological communities list—eligibility for categories New section 70 (1A)	7
9	Definitions—pt 4.3 Section 72A, definition of <i>listing advice</i>	8
10	Listing advice Section 79G	8
11	Minister to decide whether to include item in list Section 79H	8
12	Section 79H (3) (b), note	8
13	New division 4.4.1 heading	8
14	Definitions—pt 4.4 Section 80, new definitions	9
15	Section 80, definition of <i>listing advice</i>	9
16	Section 80, new definitions	10
17	New division 4.4.2 heading	11
18	Nominations—scientific committee may reject nomination New section 82 (1) (c)	11
19	Nominations—public consultation Section 84 (1) to (3)	11
20	Nominations—scientific committee to carry out <i>listing assessment</i> Section 85 (3), note	12
21	Scientific committee to prepare listing advice Section 86	12
22	Minister to decide whether to include, transfer or omit item Section 87 (1)	13
23	Section 87 (1), new note	13
24	Section 87 (2), note	13
25	Minister's decision—include item Section 88 (1), note	13
26	Section 88 (2) (a)	14
27	Minister's decision—transfer item Section 89 (1), note 1	14
28	Section 89 (2) (a)	14
29	Minister's decision—omit item Section 90 (1), note	14
30	Section 90 (2) (a)	15

Contents

	Page	
31	New divisions 4.4.3 and 4.4.4, and division 4.4.5 heading	15
32	Final version of list and notification	
	Section 91 (1)	19
33	Section 91 (2) (d)	19
34	Scientific committee to prepare conservation advice	
	Section 92	19
35	Section 93	20
36	Minor amendment—including similar species	
	Section 95 (2) and note	20
37	Minor amendment—omitting similar species	
	Section 96 (2) and note	21
38	Definitions—Act	
	Section 98, definition of <i>relevant species</i>	21
39	New section 100A	21
40	Draft action plan—conservator to prepare	
	Section 101 (2)	22
41	Section 101 (2) (b), note	23
42	Action plan—monitoring and review	
	Section 108 (7)	23
43	New section 108A	23
44	Draft native species conservation plan—conservator to prepare	
	Section 117, note 2	24
45	Conservator's directions	
	Section 331 (3) (a), note	24
46	New chapter 21	24
47	Dictionary	26
48	Dictionary, new definitions	26
49	Dictionary, definition of <i>conservation advice</i>	27
50	Dictionary, new definitions	27
51	Dictionary, definitions of <i>extinct in the wild species</i> , <i>extinct species</i> and <i>listing advice</i>	27
52	Dictionary, definition of <i>minor amendment</i>	27
53	Dictionary, new definitions	27
54	Dictionary, definitions of <i>provisionally listed threatened ecological community</i> and <i>provisionally listed threatened species</i>	28

Contents

	Page
55 Dictionary, new definitions	28
56 Further amendments, mentions of <i>on the threatened</i>	29
Schedule 1 Planning and Development Act 2007— Consequential amendments	30



Australian Capital Territory

Nature Conservation Amendment Act 2016

A2016-29

An Act to amend the *Nature Conservation Act 2014*, 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 2016*.

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 *Nature Conservation Act 2014*.

Note This Act also amends the *Planning and Development Act 2007* (see sch 1).

**4 What is a *species*?
New section 15 (1) (b) (ia)**

insert

(ia) a variety; and

**5 What is a *native species*?
Section 16 (2)**

substitute

Note *Coastal sea*—see the dictionary.

Continental shelf—see the dictionary.

Exclusive economic zone—see the dictionary.

Seabed—see the dictionary.

6 Sections 63 and 64

substitute

63 Threatened native species list—categories

- (1) The Minister must make a threatened native species list.
- (2) The list must contain the species eligible to be included in 1 of the following categories (a *national category*) in the list:
 - (a) extinct;
 - (b) extinct in the wild;
 - (c) critically endangered;
 - (d) endangered;
 - (e) vulnerable;
 - (f) conservation dependent.
- (3) The list may contain the species eligible to be included in 1 of the following categories (a *regional category*) in the list:
 - (a) regionally threatened;
 - (b) regionally conservation dependent;
 - (c) provisional.

64 Threatened native species list—eligibility for national categories

- (1) A native species is eligible to be included in the extinct category in the threatened native species list if, assessed at a national scale, there is no reasonable doubt that the last member of the species has died.

- (2) A native species is eligible to be included in the extinct in the wild category in the threatened native species list if, assessed at a national scale—
 - (a) it is known only to survive in cultivation, in captivity or as a naturalised population well outside its past range; or
 - (b) it has not been recorded in its known or expected habitat, at appropriate seasons, anywhere in its past range, despite exhaustive surveys over a time frame appropriate to its life cycle and form.
- (3) A native species is eligible to be included in the critically endangered category in the threatened native species list if, assessed at a national scale, it is facing an extremely high risk of extinction in the wild in the immediate future.
- (4) A native species is eligible to be included in the endangered category in the threatened native species list if, assessed at a national scale—
 - (a) it is not critically endangered; but
 - (b) it is facing a very high risk of extinction in the wild in the near future.
- (5) A native species is eligible to be included in the vulnerable category in the threatened native species list if, assessed at a national scale—
 - (a) it is not critically endangered or endangered; but
 - (b) it is facing a high risk of extinction in the wild in the medium-term future.
- (6) A native species is eligible to be included in the conservation dependent category in the threatened native species list if—
 - (a) it is a fish; and

- (b) it is the subject of a plan of management, within the meaning of the *Environment Protection and Biodiversity Conservation Act 1999* (Cwlth), that identifies actions necessary to stop the decline of, and support the recovery of, the species to maximise its chances of long-term survival in the wild; and
 - (c) the plan of management is in force under a law of the Commonwealth, the Territory or a State; and
 - (d) the ending of the plan may result in the species becoming vulnerable, endangered or critically endangered.
- (7) In this section:

assessed at a national scale, for an item—see section 80.

Note ***Item*** includes a species (see s 80).

fish includes all species of bony fish, sharks, crustaceans, molluscs and other marine organisms, but does not include marine mammals or marine reptiles.

64A Threatened native species list—eligibility for regional categories

- (1) A native species is eligible to be included in the regionally threatened category in the threatened native species list if—
 - (a) the species occurs or is likely to occur in the ACT; and
 - (b) there are threatened native species list criteria for the category; and
 - (c) the species satisfies the threatened native species list criteria for the category.
- (2) A native species is eligible to be included in the regionally conservation dependent category in the threatened native species list if—
 - (a) the species occurs or is likely to occur in the ACT; and

- (b) there are threatened native species list criteria for the category;
and
 - (c) the species satisfies the threatened native species list criteria
for the category.
- (3) A native species is eligible to be included in the provisional
category in the threatened native species list if—
- (a) there is a significant decline in the number of members of the
species in the ACT or surrounding region; or
 - (b) the species—
 - (i) occurs or is likely to occur in the ACT or surrounding
region; and
 - (ii) is listed as a threatened native species under a law of
another jurisdiction corresponding, or substantially
corresponding, to this Act; or
 - (c) the species was listed in the extinct category of the threatened
native species list but has been definitely located in nature in
the ACT or surrounding region since it was last listed as
extinct.

Note See also s 97 about rediscovery of species that were extinct.

- (4) A native species is no longer eligible to be included in the
provisional category in the threatened species list if it has been in
the category for 18 months.
- (5) A native species is not eligible to be included in a regional category
in the threatened native species list if—
- (a) it is eligible to be included in a national category in the list; or
 - (b) it is included in the protected native species list.

Note **Protected native species list**—see s 111.

- (6) However, a native species that is eligible to be included in the extinct category or extinct in the wild category in the threatened native species list may be included in a regional category in the list if the species is introduced or reintroduced into the ACT.

Note *Species* includes a distinct population of biological entities prescribed by regulation to be a species (see s 15, def *species*, s (1) (b) (ii)).

**7 Threatened ecological communities list—categories
New section 69 (b) (ia)**

before section 69 (b) (i), insert

- (ia) collapsed;

**8 Threatened ecological communities list—eligibility for
categories
New section 70 (1A)**

before section 70 (1), insert

- (1A) An ecological community is eligible to be included in the collapsed category in the threatened ecological communities list if there is no reasonable doubt that its defining biotic or abiotic features are lost from all occurrences and the characteristic native biota are no longer sustained.

Example

Collapse may occur when most of the diagnostic components of the characteristic native biota are lost from the ecological community, or when functional components (biota that perform key roles in ecological community organisation) are greatly reduced in abundance and lose the ability to recruit.

Note An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see [Legislation Act](#), s 126 and s 132).

9 **Definitions—pt 4.3**
Section 72A, definition of *listing advice*

omit

10 **Listing advice**
Section 79G

omit

11 **Minister to decide whether to include item in list**
Section 79H

omit

listing advice

substitute

conservation advice

12 **Section 79H (3) (b), note**

substitute

Note 1 *Conservation advice*—see s 90C (1).

Note 2 *Key threatening processes list criteria*—see s 78.

13 **New division 4.4.1 heading**

before section 80, insert

Division 4.4.1 Definitions—pt 4.4

14 **Definitions—pt 4.4**
Section 80, new definitions

insert

assessed at a national scale, for an item, means the risk assessment criteria under the common assessment method is applied to the item throughout—

- (a) Australia or an external Territory; or
- (b) the coastal sea of Australia or an external Territory; or
- (c) the seabed of the coastal sea of Australia or an external Territory; or
- (d) the continental shelf; or
- (e) the exclusive economic zone.

Note ***Coastal sea***—see the dictionary.

Continental shelf—see the dictionary.

Exclusive economic zone—see the dictionary.

Seabed—see the dictionary.

common assessment method means the methodology used to assess the risk of extinction of a species or collapse of an ecological community, agreed between—

- (a) the Commonwealth; and
- (b) the Territory; and
- (c) a participating State.

15 **Section 80, definition of *listing advice***

omit

16 Section 80, new definitions

insert

nationally threatened, in relation to an item, means—

- (a) an item that is a listed threatened species or listed ecological community under the *Environment Protection and Biodiversity Conservation Act 1999* (Cwlth) (a *Commonwealth listed item*); or
- (b) an item (a *State assessed item*) that—
 - (i) is eligible to be a listed threatened species or listed ecological community under the *Environment Protection and Biodiversity Conservation Act 1999* (Cwlth); and
 - (ii) has been assessed by a participating State as a threatened species or ecological community at a national scale, using the common assessment method; or
- (c) an item that—
 - (i) is either—
 - (A) eligible to be included in a national category of the threatened native species list; or
 - (B) eligible to be included in the threatened ecological communities list; and
 - (ii) has been assessed by the Territory as a threatened native species or threatened ecological community at a national scale, using the common assessment method.

participating State means a State that uses the common assessment method to assess a species or ecological community at a national scale.

17 New division 4.4.2 heading

before section 81, insert

Division 4.4.2 Including, transferring and omitting items in list—general**18 Nominations—scientific committee may reject nomination
New section 82 (1) (c)**

insert

- (c) if the nomination is about including a nationally threatened item in, or transferring a nationally threatened item within, a list, and the item is a Commonwealth listed item or a State assessed item—the inclusion or transfer is more appropriately dealt with under section 90A.

**19 Nominations—public consultation
Section 84 (1) to (3)**

substitute

- (1) The scientific committee must prepare a notice about a nomination (a **public consultation notice**) if the nominated item—
- (a) is a native species nominated to be included in, transferred within or omitted from a national category in the threatened native species list; or
 - (b) is an ecological community nominated to be included in, transferred within or omitted from the threatened ecological community list.
- (2) In any other case, the scientific committee may prepare a public consultation notice about a nomination.

- (3) A public consultation notice—
- (a) must state that—
 - (i) anyone may give a written submission to the scientific committee about the nomination; and
 - (ii) submissions may be given to the scientific committee only during the period starting on the day the public consultation notice is notified under the [Legislation Act](#) and ending on a stated day, being a day at least 6 weeks after the day it is notified (the *public consultation period*); and
 - (b) must include the nomination; and
 - (c) may invite people to comment on other matters that the scientific committee considers relevant.

Note The public consultation notice need not contain the precise location of the species (see s 363).

20 Nominations—scientific committee to carry out *listing assessment*
Section 85 (3), note

after

s 64

insert

s 64A

21 Scientific committee to prepare listing advice
Section 86

omit

**22 Minister to decide whether to include, transfer or omit item
Section 87 (1)**

omit

listing advice

substitute

conservation advice

23 Section 87 (1), new note

insert

Note The Minister may include certain nationally threatened items in a list without a nomination under div 4.4.3.

24 Section 87 (2), note

substitute

Note The final version of the list and the conservation advice for the item are notifiable instruments (see s 90C and s 91).

**25 Minister's decision—include item
Section 88 (1), note**

after

s 64

insert

and s 64A

26 Section 88 (2) (a)

omit

listing advice

substitute

conservation advice

**27 Minister's decision—transfer item
Section 89 (1), note 1**

after

s 64

insert

and s 64A

28 Section 89 (2) (a)

omit

listing advice

substitute

conservation advice

**29 Minister's decision—omit item
Section 90 (1), note**

after

s 64

insert

and s 64A

30 Section 90 (2) (a)

omit

listing advice

substitute

conservation advice

31 New divisions 4.4.3 and 4.4.4, and division 4.4.5 heading

after section 90, insert

Division 4.4.3 Including or transferring certain nationally threatened items

90A Minister may include or transfer nationally threatened items without nomination

- (1) This section applies to a nationally threatened item that is a Commonwealth listed item or a State assessed item (a *relevant item*).
- (2) The Minister may, without a nomination—
 - (a) include a relevant item in a list; or
 - (b) transfer a relevant item from 1 category in a list to another category in a list.
- (3) Before including a relevant item in, or transferring a relevant item within, a list, the Minister must—
 - (a) consult with the scientific committee; and
 - (b) have regard to a conservation advice for the item.

- (4) A relevant item may only be included in, or transferred to, a national category in a list that corresponds with—
 - (a) for a Commonwealth listed item—the category in which the Commonwealth lists the item; and
 - (b) for a State assessed item—the category in which the State assesses the item is eligible to be listed.
- (5) If the Minister decides to include a relevant item in, or transfer a relevant item within, a list under this section, the Minister must—
 - (a) revise the list; and
 - (b) prepare a final version of the list.

Note The final version of the list is a notifiable instrument (see s 91).

Division 4.4.4 Conservation advice

90B Conservation advice guidelines

- (1) The Minister may make guidelines (the *conservation advice guidelines*) about the preparation of a conservation advice for an item, including—
 - (a) information to be included in a conservation advice; and
 - (b) requirements for the preparation of a conservation advice.
- (2) A guideline is a notifiable instrument.

Note A notifiable instrument must be notified under the [Legislation Act](#).

90C Conservation advice

- (1) The Minister must ensure that there is an advice about each item included in a list (a *conservation advice*).

Note For a nationally threatened item, an advice adopted under s 90E is the conservation advice.

- (2) The conservation advice must—
- (a) set out—
 - (i) the grounds on which the item is eligible to be included in, transferred within, or omitted from, the list; and
 - (ii) the main factors that make it eligible; and
 - (b) for an item that is a native species or an ecological community—include any information required to be included by a conservation advice guideline about stopping the decline of the species or community or supporting the recovery of the species or community; and
 - (c) include anything else required to be included by a conservation advice guideline.

Note 1 The conservation advice need not contain the precise location of a species or community (see s 363).

Note 2 Eligibility for the threatened native species list is dealt with in s 64 and s 64A.

Eligibility for the threatened ecological communities list is dealt with in s 70.

Eligibility for the key threatening processes list is dealt with in s 77.

- (3) A conservation advice is a notifiable instrument.

Note 1 A notifiable instrument must be notified under the [Legislation Act](#).

Note 2 The power to make an instrument includes the power to amend or repeal the instrument (see [Legislation Act](#), s 46).

- (4) In this section:

conservation advice guidelines—see section 90B (1).

90D Conservation advice—scientific committee to prepare

- (1) The scientific committee must prepare a conservation advice for an item.

- (2) In preparing a conservation advice for an item, the scientific committee must do anything required to be done for the advice by a conservation advice guideline.
- (3) However, the scientific committee need not prepare a conservation advice for an item if the Minister adopts an advice for the item under section 90E.
- (4) The scientific committee must give a conservation advice for an item to the Minister not later than 15 months after—
 - (a) for an item the subject of a listing assessment—the end of the 4-week period, or public consultation period, mentioned in section 85 (1) (Nominations—scientific committee to carry out *listing assessment*); or
 - (b) for a nationally threatened item to be included in, or transferred within, a list under division 4.4.3 (Including or transferring certain nationally threatened items)—the Minister requests a copy of the conservation advice.
- (5) However, the Minister may extend the time for giving the advice under subsection (4).
- (6) In this section:
conservation advice guidelines—see section 90B (1).

90E Conservation advice—adopting advice for nationally threatened item

- (1) This section applies to a nationally threatened item.
- (2) The Minister may adopt an advice prepared by the Commonwealth or a participating State for the item if the advice corresponds, or substantially corresponds, with the requirements for a conservation advice mentioned in section 90C (2).
- (3) If the Minister adopts an advice for the item under this section, the advice is taken to be the conservation advice for the item.

- (4) In this section:

conservation advice guidelines—see section 90B (1).

90F Conservation advice—scientific committee to review

- (1) The scientific committee may review a conservation advice on its own initiative or at the conservator's request.
- (2) In reviewing the conservation advice for an item, the scientific committee may make recommendations to the conservator about the advice.

Division 4.4.5 Final version of list and notification

**32 Final version of list and notification
Section 91 (1)**

after

section 87

insert

, section 90A

33 Section 91 (2) (d)

omit

**34 Scientific committee to prepare conservation advice
Section 92**

omit

35 Section 93

substitute

Division 4.4.6 Minor amendments of list

93 What is a *minor amendment*?—div 4.4.6

In this division:

minor amendment, of a list, means an amendment to—

- (a) include a species in the threatened native species list in the circumstances mentioned in section 95 (Minor amendment—including similar species); or
- (b) omit a species from the threatened native species list in the circumstances mentioned in section 96 (Minor amendment—omitting similar species); or
- (c) transfer a species from the extinct category to the provisional category of the threatened native species list in the circumstances mentioned in section 97 (Minor amendment—rediscovery of extinct species); or
- (d) update the name of a threatened native species or threatened ecological community; or
- (e) correct an inaccuracy.

**36 Minor amendment—including similar species
Section 95 (2) and note**

substitute

- (2) In deciding whether a minor amendment is appropriate, the Minister must consider the conservation advice for the eligible species.

Note **Conservation advice**—see s 90C (1).

**37 Minor amendment—omitting similar species
Section 96 (2) and note**

substitute

- (2) In deciding whether a minor amendment is appropriate, the Minister must consider the conservation advice for the species.

Note *Conservation advice*—see s 90C (1).

**38 Definitions—Act
Section 98, definition of *relevant species***

substitute

relevant species means—

- (a) a regular migratory species; and
- (b) the following species, other than a species that the Minister decides, under section 100A, does not need an action plan:
 - (i) a critically endangered species;
 - (ii) an endangered species;
 - (iii) a vulnerable species;
 - (iv) a regionally threatened species;
 - (v) a regionally conservation dependent species.

39 New section 100A

insert

100A Minister to decide if action plan needed

- (1) This section applies to each of the following species (an *applicable species*):
- (a) a critically endangered species;
 - (b) an endangered species;

- (c) a vulnerable species;
 - (d) a regionally threatened species;
 - (e) a regionally conservation dependent species.
- (2) Before an applicable species is included in, or transferred within, a list, the Minister must decide whether an action plan needs to be prepared for the species.
- (3) In deciding whether an action plan needs to be prepared for an applicable species, the Minister must seek the advice of the scientific committee.
- (4) The Minister may decide that an action plan does not need to be prepared for an item if satisfied that—
- (a) the species does not occur in the ACT or occurs infrequently in the ACT; and
 - (b) having no plan will not increase the risk of extinction of the species.
- (5) In this section:
list—see section 80.

**40 Draft action plan—conservator to prepare
Section 101 (2)**

substitute

- (2) However, the conservator need not prepare a draft action plan—
- (a) for a species mentioned in section 100A—if the Minister has decided that an action plan is not needed for the species; or
 - (b) for a relevant species—if the species is the subject of a native species conservation plan.

41 Section 101 (2) (b), note

omit

s 92

substitute

s 90C (1)

**42 Action plan—monitoring and review
Section 108 (7)**

after

make recommendations to the conservator about the plan

insert

, including that the plan is no longer needed for a species

43 New section 108A

in part 4.5, insert

108A Action plan—ending action plan after review

- (1) This section applies if the scientific committee recommends to the conservator that an action plan is no longer needed for a species under section 108 (7).
- (2) The conservator may request that the Minister end the action plan.
- (3) If the Minister receives a request from the conservator, the Minister must decide whether to end the action plan.
- (4) In deciding whether to end the action plan, the Minister must have regard to the recommendation of the scientific committee.
- (5) The Minister may end the action plan if satisfied that ending the plan will not increase the risk of extinction of the species the subject of the plan.

**44 Draft native species conservation plan—conservator to prepare
Section 117, note 2**

omit

s 64 (6)

substitute

s 64A (2)

**45 Conservator's directions
Section 331 (3) (a), note**

omit

s 92 (2)

substitute

s 90C (1)

46 New chapter 21

insert

**Chapter 21 Transitional—Nature
Conservation Amendment
Act 2016**

420 Meaning of *commencement day*—ch 21

In this chapter:

commencement day means the day the *Nature Conservation Amendment Act 2016*, section 3 commences.

421 Threatened native species list

- (1) The threatened native species list, in force immediately before the commencement day, is taken to be the threatened native species list on the commencement day.
- (2) A species included in a category in the threatened native species list immediately before the commencement day is taken to be included in the category in the threatened native species list on the commencement day.
- (3) The validity of the threatened native species list on the commencement day is not affected by a failure to comply with a requirement for the list under section 63.

422 Conservation advice not needed for species already on list

- (1) This section applies to a species if, immediately before the commencement day—
 - (a) it is included in a category in the threatened native species list; and
 - (b) there is no conservation advice for the species.
- (2) A conservation advice need not be prepared for the species.
- (3) Nothing in this section—
 - (a) prevents the scientific committee from preparing a conservation advice for a species; or
 - (b) dispenses with the requirement under this Act for a conservation advice for the species if the species is transferred within the list on or after the commencement day.

423 Transitional regulations

- (1) A regulation may prescribe transitional matters necessary or convenient to be prescribed because of the enactment of the *Nature Conservation Amendment Act 2016*.
- (2) A regulation may modify this chapter (including in relation to another territory law) to make provision in relation to anything that, in the Executive's opinion, is not, or is not adequately or appropriately, dealt with in this chapter.
- (3) A regulation under subsection (2) has effect despite anything elsewhere in this Act or another territory law.

424 Expiry—ch 21

This chapter expires 2 years after the commencement day.

Note Transitional provisions are kept in the Act for a limited time. A transitional provision is repealed on its expiry but continues to have effect after its repeal (see [Legislation Act](#), s 88).

47 Dictionary

insert

- State

48 Dictionary, new definitions

insert

assessed at a national scale, for an item, for part 4.4 (Including, transferring and omitting items in a list)—see section 80.

coastal sea, of Australia or an external Territory—see the [Acts Interpretation Act 1901](#) (Cwlth), section 15B (4) (Application of Acts in coastal sea).

common assessment method, for part 4.4 (Including, transferring and omitting items in a list—general)—see section 80.

49 Dictionary, definition of *conservation advice*

substitute

conservation advice means an advice mentioned in section 90C.

50 Dictionary, new definitions

insert

continental shelf—see the *Seas and Submerged Lands Act 1973* (Cwlth), section 3.

exclusive economic zone—see the *Seas and Submerged Lands Act 1973* (Cwlth), section 3.

51 Dictionary, definitions of *extinct in the wild species*, *extinct species* and *listing advice*

omit

52 Dictionary, definition of *minor amendment*

substitute

minor amendment, for division 4.4.6 (Minor amendments of list)—see section 93.

53 Dictionary, new definitions

insert

national category, in the threatened native species list—see section 63 (2) (Threatened native species list—categories).

nationally threatened, in relation to an item, for part 4.4 (Including, transferring and omitting items in list)—see section 80.

participating State, for part 4.4 (Including, transferring and omitting items in list)—see section 80.

54 Dictionary, definitions of *provisionally listed threatened ecological community* and *provisionally listed threatened species*

omit

55 Dictionary, new definitions

insert

regional category, in the threatened native species list—see section 63 (3) (Threatened native species list—categories).

regionally conservation dependent species means a species included in the regionally conservation dependent category in the threatened native species list.

regionally threatened species means a species included in the regionally threatened category in the threatened native species list.

seabed includes—

- (a) the surface of a coral formation; and
- (b) subsoil of seabed (including coral beneath the surface of a coral formation).

56 Further amendments, mentions of *on the threatened*

omit

on the threatened

substitute

in the threatened

in

- section 61
- section 65 (1)
- section 66 (1) (a)
- section 72 (1) (a)
- section 117, note 2
- dictionary, definition of *conservation dependent species*
- dictionary, definition of *critically endangered ecological community*
- dictionary, definition of *critically endangered species*
- dictionary, definition of *endangered ecological community*
- dictionary, definition of *endangered species*
- dictionary, definition of *vulnerable ecological community*
- dictionary, definition of *vulnerable species*

Schedule 1 Planning and Development Act 2007—Consequential amendments

(see s 3)

[1.1] Schedule 4, section 4.1, definition of *provisionally listed threatened species*

substitute

provisionally listed threatened species means a species included in the provisional category in the threatened native species list under the [Nature Conservation Act 2014](#).

[1.2] Schedule 4, section 4.1, new definitions

insert

regionally conservation dependent species—see the [Nature Conservation Act 2014](#), dictionary.

regionally threatened species—see the [Nature Conservation Act 2014](#), dictionary.

[1.3] Schedule 4, section 4.1, definition of *threatened ecological community*, note

before

- critically endangered ecological communities;

insert

- collapsed ecological communities;

[1.4] Schedule 4, part 4.3, item 1, column 2, new paragraphs (da) to (dc)

insert

- (da) regionally threatened species;
- (db) regionally conservation dependent species;
- (dc) provisionally listed threatened species;

[1.5] Dictionary, definition of *provisionally listed threatened species*

substitute

provisionally listed threatened species, for schedule 4 (Development proposals in impact track because of need for EIS)—see schedule 4, section 4.1.

[1.6] Dictionary, new definitions

insert

regionally conservation dependent species, for schedule 4 (Development proposals in impact track because of need for EIS)—see the [Nature Conservation Act 2014](#), dictionary.

regionally threatened species, for schedule 4 (Development proposals in impact track because of need for EIS)—see the [Nature Conservation Act 2014](#), dictionary.

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 3 May 2016.

2 Notification

Notified under the [Legislation Act](#) on 16 June 2016.

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 Nature Conservation Amendment Bill 2016, which was passed by the Legislative Assembly on 7 June 2016.

Clerk of the Legislative Assembly

© Australian Capital Territory 2016