

Australian Capital Territory

Nature Conservation (Threatened Native Species Eligibility) Criteria 2016*

Disallowable instrument DI2016—254

made under the

Nature Conservation Act 2014, s65 (Threatened native species list—eligibility criteria)

1 Name of instrument

This instrument is the *Nature Conservation (Threatened Native Species Eligibility) Criteria 2016*.

2 Commencement

This instrument commences on the day after it is notified.

3 Details of instrument

I declare that the threatened native species list eligibility criteria are those set out in the schedule.

4. Non-application of s47(5) of the Legislation Act

The *Legislation Act 2001*, section 47(5) does not apply to this instrument.

Note Instruments applied in this Disallowable Instrument do not need to be notified under the Legislation Act because s47(5) does not apply (see Legislation Act s47(7)). Relevant instruments can be found on the internet—see relevant websites in the schedule).

Simon Corbell
Minister for the Environment and Climate Change
5 September 2016

*Name amended under Legislation Act, s 60

SCHEDULE

(see section 3)

THREATENED NATIVE SPECIES – ELIGIBILITY CRITERIA

Part 1 – National Category of the Threatened Native Species List

1 Criteria for Listing an Extinct Species

To be recommended to be listed as extinct in the national category of the list, a species (or a formally recognised variety of a species) must have been known to have occurred in the ACT in the past and be defined as extinct at a global scale as recognised in an authoritative international or national listing, and meet **one** of the following criteria:

- (a) A taxon **is** extinct when there is no reasonable doubt that the last individual has died; or
- (b) A taxon is **presumed** extinct when exhaustive surveys in known and/or expected habitat, at appropriate times (diurnal, seasonal, annual) and throughout its historic range have failed to record an individual. Surveys should be over a time frame appropriate to the life cycle and life form of the taxon.

2 Criteria for Listing a Species as Extinct in the Wild

To be recommended to be listed as extinct in the wild in the national category of the list, a species (or a formally recognised variety of a species) must meet at least **one** of the following criteria:

- (a) The species is known or suspected to have occurred in the ACT and is already recognised as extinct in the wild in an authoritative international or national listing; or
- (b) Exhaustive surveys in known and/or expected natural habitat, at appropriate times (diurnal, seasonal, annual) and throughout its historic range have failed to record an individual. Surveys are to be over a time frame appropriate to the life cycle and life form of the taxon.

3 Criteria for Listing a Critically Endangered Species

To be recommended to be listed as critically endangered in the national category of the list, a species (or a formally recognised variety of a species) that has occurred, occurs or is likely to occur in the ACT or surrounding bioregions must meet at least **one** of the IUCN criteria, assessed at the national scale, for listing a species in the critically endangered category as listed in IUCN (2012). *IUCN Red List Categories and Criteria*: Version 3.1. Second edition (<http://www.iucnredlist.org/technical-documents/categories-and-criteria>).

4 Criteria for Listing an Endangered Species

To be recommended to be listed as endangered in the national category of the list, a species (or a formally recognised variety of a species) that has occurred, occurs or is likely to occur, in the ACT or surrounding bioregions must meet at least **one** of the IUCN criteria, assessed at the national scale, for listing a species in the endangered category as listed in IUCN (2012). *IUCN Red List Categories and Criteria: Version 3.1*. Second edition. (<http://www.iucnredlist.org/technical-documents/categories-and-criteria>).

5 Criteria for Listing a Vulnerable Species

To be recommended to be listed as vulnerable in the national category of the list, a species (or a formally recognised variety of a species) that has occurred, occurs or is likely to occur in the ACT or surrounding bioregions must meet at least **one** of the IUCN criteria, assessed at the national scale, for listing a species in the vulnerable category as listed in IUCN (2012). *IUCN Red List Categories and Criteria: Version 3.1*. Second edition (<http://www.iucnredlist.org/technical-documents/categories-and-criteria>).

6 Criteria for Listing a Conservation Dependent Species

To be recommended to be listed as conservation dependent in the national category of the list, a species must be a fish; must be known to occur in the ACT or surrounding bioregions; and must be the subject of some form of statutory long-term active management plan within the meaning of the *Environment Protection and Biodiversity Conservation Act, 1999*, where ceasing that management would adversely affect the threat status of the species.

Part 2 – Regional Category of the Threatened Native Species List

7 Criteria for Regionally Threatened Species

To be recommended to be listed as threatened in the regional category of the list, a species (or a formally recognised variety of a species) that has occurred, is suspected to occur, or occurs in the ACT or surrounding bioregions must meet at least one of the IUCN criteria, assessed at the regional scale, modified if necessary in consideration of the IUCN (2012) *Guidelines for Application of the IUCN Red List Criteria at Regional and National Levels* (http://s3.amazonaws.com/iucnredlist-newcms/staging/public/attachments/3101/reg_guidelines_en.pdf), for listing a species in any threat category as listed in IUCN (2012). *IUCN Red List Categories and Criteria: Version 3.1*. Second edition (<http://www.iucnredlist.org/technical-documents/categories-and-criteria>).

Note: A species should not be listed in this category if it is eligible, or likely to be eligible for listing in the national category of the list.

8 Criteria for Regionally Conservation Dependent Species

To be recommended to be listed as conservation dependent in the regional category of the list, a species (or a formally recognised variety of a species) must occur in the ACT and be the subject of some form of long-term active management outlined in a Conservation Advice, conservation plan or programme (such as a wildlife conservation plan under the *Environment Protection and Biodiversity Conservation Act, 1999*, Native Species Conservation Plan (ACT) or Fisheries Management Plan) where ceasing that management would adversely affect the threat status of the species; and

- (a) there is sufficient data for the species to be assessed as ‘near threatened’ using IUCN criteria (IUCN (2012). *IUCN Red List Categories and Criteria: Version 3.1. Second edition* (http://www.iucnredlist.org/static/categories_criteria_3_1#critical), taking into consideration, if necessary, the IUCN (2012) *Guidelines for Application of the IUCN Red List Criteria at Regional and National Levels: Version 4.0* (http://s3.amazonaws.com/iucnredlist-newcms/staging/public/attachments/3101/reg_guidelines_en.pdf); or
- (b) was previously listed as threatened (in any Australian jurisdiction) and consequently delisted because the species recovered but is still subject to ongoing management to ensure that recovery is maintained; or
- (c) is reintroduced to historic ranges and managed with reference to IUCN/SSC (2013) *Guidelines for Reintroductions and Other Conservation Translocations. Version 1.0.* (<https://portals.iucn.org/library/efiles/edocs/2013-009.pdf>); or
- (d) is a species that is introduced or translocated to the ACT, as part of a conservation initiative.

Note: A Conservation Advice is required for all listed species under the NC Act. See ss 90C (Conservation advice) and 90D(1) (Conservation advice – scientific committee to prepare).

9 Criteria for Listing a Provisional Species

To be recommended to be listed as provisional in the regional category of the list, a species (or a formally recognised variety of a species) must meet at least **one** of the following criteria:

- (a) species has been subject to a sudden reduction in population size, geographic distribution or ecological function; or
- (b) species is known or suspected to occur in the ACT and is already recognised as threatened in another jurisdiction; or
- (c) species is likely to meet the criteria for listing as critically endangered, endangered or vulnerable but more time is required to gather local data to demonstrate eligibility for listing.