

Nature Conservation (Species and Ecological Communities) Declaration 2012 (No 1)

Disallowable instrument DI2012–11

made under the

Nature Conservation Act 1980, s 38 (Declaration of species, community or process)

EXPLANATORY STATEMENT

This explanatory statement relates to the Nature Conservation (Species and Ecological Communities) Declaration 2012 (No 1). It has been prepared in order to assist the reader. The Statement should be read in conjunction with the declaration.

Overview

The *Nature Conservation Act 1980* (the NC Act) provides for the protection of native plants and native animals and provides for the management of public land that is reserved for nature conservation purposes. Section 13 of the NC Act establishes the Flora and Fauna Committee with responsibilities for assessing the conservation status of ACT plant and animal species and ecological communities, and the ecological significance of processes that impact upon the natural environment. Assessments are made in accordance with criteria specified under section 35 of the NC Act. This is set out in the publication entitled *Threatened Species and Communities in the ACT - Criteria For Assessment*.

Section 38 of the NC Act requires that where the Committee believes that a species or community is threatened with extinction, or a process is ecologically threatening, it shall advise the Minister and recommend that the species, community or process be declared accordingly. Where the Minister accepts a recommendation, the Minister shall make the declaration sought as a disallowable instrument. This instrument declares those species recommended by the Committee.

A species may be declared vulnerable or endangered depending on the degree of threat to its continued survival. An ecological community may be declared endangered and a process may be declared a threatening process.

A species may be declared endangered if:

- it is likely to become extinct in the ACT region unless the circumstances and factors threatening its abundance, survival or evolution cease; or
- its numbers or habitats have been reduced to such a level that the species is in immediate danger of extinction in the ACT region.

A species may be declared as vulnerable if within the next 25 years it is likely to become endangered in the ACT region unless the circumstances and factors threatening its abundance, survival or evolution cease.

Schedule 1 of this instrument lists species which have been declared vulnerable.

Schedule 2 of the instrument lists species which have been declared endangered. This declaration adds one species, a shrub (*Bossiaea grayi*) to Schedule 2 – Endangered Species.

Schedule 3 of this instrument lists ecological communities which have been declared endangered.

Outline of provisions

Clause 1 details the title of the Instrument.

Clause 2 states that the instrument commences on the day after its notification.

Clause 3 makes reference to the schedules for the purpose of declaring vulnerable and endangered species and ecological communities.

Clause 4 is a technical clause that details that this instrument revokes the previous declarations listed in the Nature Conservation (Species and Ecological Communities) Declaration 2010 DI 2010-194.