

Australian Capital Territory

Nature Conservation (Spotted-tailed Quoll) Action Plan 2019

Disallowable instrument DI2019–266

made under the

Nature Conservation Act 2014, s 104 (Draft action plan—revision) and s 105 (Draft action plan—final version and notification)

EXPLANATORY STATEMENT

Introduction

This explanatory statement relates to the *Nature Conservation (Spotted-tailed Quoll) Action Plan 2019* as presented to the Legislative Assembly. It has been prepared in order to assist the reader of the disallowable instrument and to help inform debate on it. It does not form part of the disallowable instrument and has not been endorsed by the Assembly.

The statement must be read in conjunction with the disallowable instrument. It is not, and is not meant to be, a comprehensive description of the disallowable instrument. What is said about a provision is not to be taken as an authoritative guide to the meaning of a provision, this being a task for the courts.

Background

The *Nature Conservation Act 2014* (the *Act*) is the primary ACT legislation for the protection of native plants and animals. The Act establishes the Scientific Committee as an expert body to advise the Minister about the listing of threatened species in the ACT.

The Spotted-tailed Quoll (*Dasyurus maculatus*, Kerr, 1792) was declared a Vulnerable species in the ACT on 4 September 2003 (Instrument No. 265 of 2003 under the *Nature Conservation Act 1980*). Transitional arrangements ensured that a species declared under the 1980 Act is listed as threatened under the 2014 Act in the same category in which it was originally listed.

Under section 101 of the *Nature Conservation Act 2014*, the Conservator of Flora and Fauna is responsible for preparing a draft action plan for listed species. The first action plan for this species was prepared in 2005 (ACT Government 2005) (DI 2005-210) and renotified as Attachment A of *Nature Conservation (Threatened Ecological*

Communities and Species) Action Plan 2013 (No 1) (DI2013-277). This instrument amends DI2013-277 to remove the earlier plan¹.

Pursuant to section 100 of the Act, an Action Plan must set out proposals to ensure, as far as practicable, the identification, protection and survival of the species. It should identify known critical habitat and propose management strategies to ensure the persistence of the species. Action Plans may state requirements for monitoring the species and its habitat. The Conservator must consider the impact of climate change, specific threats to the species and any connectivity requirements.

Under section 103 of the Act, public consultation on an Action Plan is required before it is finalised. A draft of the Spotted-tailed Quoll Action Plan was released for public consultation for six weeks from 15 September 2018 to 29 October 2018. Four written submissions were received. The draft plan was revised in response to the submissions and comments received. The Conservator sought final comment on the revised final draft plan from the Scientific Committee.

Under section 105 of the Act the final version of a draft action plan prepared by the Conservator is a disallowable instrument. This instrument is the final version of draft Action Plan for the Spotted-tailed Quoll prepared under section 104.

The primary objective of this Action Plan is to maintain in the long-term suitable habitat conditions that will support an endemic population of the Spotted-tail Quoll in the ACT and contribute to regional and national conservation of the species. Each action plan must be released as a draft for public comment. In order to achieve this goal, the Action Plan contains management objectives. These objectives are supported by management actions. The Action Plan also contains information about the Spotted-tailed Quoll including a description, conservation status, habitat and threats.

Regulatory Impact Statement

No regulatory impact statement (RIS) has been prepared in accordance with section 34 of the *Legislation Act 2001* as the disallowable instrument is not likely to impose appreciable costs on the community, or part of the community. Further, a RIS is not required, in accordance with section 36 (1) (b) of the *Legislation Act* as the matter does not operate to the disadvantage of anyone by adversely affecting a person's rights or imposing liabilities on a person. The Action Plan contains objectives and actions. These provide guidance but do not impose liabilities on anyone or adversely affect anyone's rights.

Human Rights

The disallowable instrument does not affect any human rights contained in the *Human Rights Act 2004*.

¹ The Plan was also renotified with other Action Plans in 2007 (DI2007-85) and 2012 (DI2012-108).

Outline of provisions

Section 1 – Name of instrument

This section names the instrument.

Section 2 – Commencement

This section provides for the commencement of the instrument

Section 3 – Preparation of an action plan

This section provides that the Action Plan has been prepared. The Action Plan is scheduled to the instrument.

Section 4 – Revocation

This section revokes the previous Action Plan for the Spotted-tailed Quoll, found in Attachment A of DI2013-277.