

Nature Conservation (Canberra Grassland Earless Dragon) Action Plan 2025

Disallowable instrument DI2025–57

made under the

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

EXPLANATORY STATEMENT

Introduction

This explanatory statement relates to the *Nature Conservation (Canberra Grassland Earless Dragon) Action Plan 2025* as presented to the Legislative Assembly. It has been prepared 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 (section 31) as an expert body to advise the Minister and the Conservator of Flora and Fauna (the **Conservator**) about nature conservation (section 32), including the listing of threatened species in the ACT (section 85) and the preparation of draft action plans (section 101).

The Grassland Earless Dragon (*Tympanocryptis pinguicolla* Mitchell, 1948) was declared an endangered species on 15 April 1996 under the repealed *Nature Conservation Act 1980* (see the *Nature Conservation (Species and Ecological Community) Declaration 1996* (DI1996–29)). The declaration was under the former name, Eastern Lined Earless Dragon *Tympanocryptis lineata pinguicolla*.

The first action plan for that species was prepared in 1997 (*Nature Conservation Action Plans 1997* (DI1997–262)) and revised in 2005 (*Nature Conservation (Threatened Ecological Communities and Species) Action Plan 2005 (No 1)* (DI2005–84)). In 2017, a revised action plan (*Nature Conservation (Native Grassland) Action Plans 2017* (DI2017–288)) superseded the earlier edition.

In 2019, the Canberra Grassland Earless Dragon (*Tympanocryptis lineata*) (**CGED**) was formally recognised as a distinct species of earless dragon, found only in the ACT region. It was transferred to critically endangered under the Act on 14 April 2023. The CGED is also listed as critically endangered under the Commonwealth's *Environment Protection and Biodiversity Conservation Act 1999* on 1 June 2023.

Under section 101 of the Act, the Conservator is responsible for preparing a draft action plan for each relevant species, relevant ecological community and key threatening process. The Conservator must consider the impact of climate change on the species, threats to the species, connectivity requirements and critical habitat of the species.

Pursuant to section 100 of the Act, a draft 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. A draft action plan may state requirements for monitoring the species and its habitats.

Under section 103 of the Act, the Conservator must prepare a public consultation notice about the draft action plan. The draft action plan was notified on the ACT Legislation Register from 23 July 2024 to 12 September 2024, inclusive. Stakeholders were targeted for further comment, including those who participated in the workshop.

Under section 104 of the Act, responses from targeted consultation were used to revise the draft action plan. Two stakeholder responses were received and addressed in finalising the draft action plan.

Under section 105 of the Act, the final version of a draft action plan prepared by the Conservator is a disallowable instrument. Section 105 specifies that the final version of a draft action plan prepared under section 104 or section 106 is an action plan.

The policy objective of the action plan is the conservation of the CGED. To achieve this goal, the action plan contains management objectives that are supported by management actions.

Regulatory Impact Statement

No regulatory impact statement (**RIS**) has been prepared in accordance with section 34 of the *Legislation Act 2001* (the **Legislation Act**) 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 that 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*.

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 – Action plan

This section provides that the action plan has been prepared and finalised. *The Action Plan for the Canberra Grassland Earless Dragon (Tympanocryptis lineata) 2024–2034* is scheduled to the instrument.

Section 4 – Revocation

This section provides that the earlier version of the action plan for the previously named Grassland Earless Dragon is revoked. The previous action plan is included in the *Nature Conservation (Native Grassland) Action Plans 2017* (DI2017–288) (pp 208–227).