

Australian Capital Territory

# Nature Conservation (Exempt Animals) Declaration 2026

Disallowable instrument DI2026-61

made under the

Nature Conservation Act 2014, s 155 (Declarations—exempt animals)

## EXPLANATORY STATEMENT

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This explanatory statement relates to the *Nature Conservation (Exempt Animals) Declaration 2026*. It has been prepared to assist the reader. The Explanatory Statement should be read in conjunction with the *Nature Conservation (Exempt Animals) Declaration 2026*.

### Overview

Chapter 11 of the *Nature Conservation Act 2014* (the *NC Act*) includes requirements for licences that regulate trade and keeping of all animals (both native and non-native). It is an offence under chapter 6 to trade in animals unless the animal is declared as an exempt animal.

Under section 155 of the NC Act, the Conservator of Flora and Fauna (the *Conservator*) is responsible for making an exempt animal declaration, which exempts the animal from licensing requirements relating to the keeping or trade (sale, import, export etc.) of an animal. The exemption does not apply to the capture of native animals or release of any animal which does require a licence.

Under section 155 (2) of the NC Act, the Conservator is required to consider the need to protect native species in the ACT and the need to conserve the significant ecosystems of the ACT, NSW and Australia when making an exempt animal declaration.

Under section 155 (3) of the NC Act, an exempt animal declaration is a disallowable instrument.

### Background

An exempt animals declaration has been in force since 4 July 2002. A declaration was most recently made by the Conservator on 14 May 2019 which commenced on 21 May 2019 following a policy revision of the exempt animals declaration made in

2015, see the [Nature Conservation \(Exempt Animals\) Declaration 2015 \(No 1\)](#) (DI2015-118) (repealed).

The current exempt animals declaration is outdated as it does not align with national approaches, exposing a regulatory gap that increases the risk of wildlife trafficking and decreases the animal welfare outcomes for specific reptile species. The new declaration removes reptile species from the exempt animals declaration to address this regulatory deficiency and ensure consistency between jurisdictions.

The declaration excludes the Blotched Blue-tongued Skink (*Tiliqua nigrolutea*), the Common Long-necked Tortoise (*Chelodina longicollis*), the Eastern Bearded Dragon (*Pogona barbata*), the Eastern Blue-tongued Skink (*Tiliqua scincoides*), and the Shingle-back Lizard (*Tiliqua rugosa*). With over 90% of Australia's reptiles and amphibians endemic, these species are particularly prized in the multibillion-dollar global exotic pet trade, with some of the above listed species reaching prices of over \$15,000 per animal overseas.

Licensing the keeping of these reptiles enables the identification and disruption of the illegal trade in wildlife and allows the Conservator to specify conditions about how an animal should be kept, including such matters as the type of enclosure, the required feeding, cleaning and hygiene requirements, and any requirements for record keeping.

### **Regulatory Impact Statement**

A regulatory impact statement has been prepared for the revised exempt animals declaration.

Accounting for demographic, housing, and regulatory differences, a conservative estimate is that 1–2% of ACT households keep reptiles, equating to approximately 2,000–3,000 households.” The impact of this change is therefore considered minimal and proportionate. The benefits of removing animals from the exempt animals declaration outweigh the constraints. Transitional arrangements would further reduce any residual minor regulatory impact on affected individuals.

### **Human Rights**

The Standing Committee on Legal Affairs (Legislative Scrutiny Role) terms of reference require consideration of human rights impacts, among other matters. There are no human rights impacts related to this instrument.