Australian Capital Territory

Nature Conservation (Buru – Eastern Grey Kangaroo) Controlled Native Species Management Plan 2026

Disallowable instrument DI2026–248

made under the

Nature Conservation Act 2014, s 165 (Draft controlled native species management plan—final version and notification)

EXPLANATORY STATEMENT

This explanatory statement relates to the *Nature Conservation (Buru - Eastern Grey Kangaroo) Controlled Native Species Management Plan 2026* (the ***instrument***) as presented to the Legislative Assembly (the ***Assembly***). It has been prepared to assist the reader of the instrument and to help inform debate on it. It does not form part of the instrument and has not been endorsed by the Assembly.

This statement must be read in conjunction with the instrument. It is not, and is not meant to be, a comprehensive description of the 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 to protect, conserve and enhance the biodiversity of the ACT. Native plants and animals can cause unacceptable environmental, social or economic damage that requires management. In the ACT, Buru (the Ngunnawal name for the Eastern Grey Kangaroo, *Macropus giganteus*) can reach population densities that have unacceptable environmental impacts on threatened grassland and woodland ecosystems.

The Act provides for the management of those native species causing damage within the strategic context of ensuring the persistence of the species overall. Pursuant to section 157 of the Act, the Minister may declare a species causing unacceptable environmental, social or economic damage a controlled native species. Once a species is declared as such, the Conservator for Fauna and Flora (the ***conservator***) may prepare a controlled native species management plan for the species.

The Buru has a significant impact on the grassy ecological communities of the ACT. As a result of increasingly fragmented landscapes; improved habitat for Buru; and loss of predators from the ecosystems, Buru have a major top-down influence on

ecosystem processes in both grasslands and woodlands, leading to loss of condition and function.

The significant impacts from high density populations of Buru require management of this species on an ongoing basis to reduce impacts to an acceptable level.

The Minister declared the Eastern Grey Kangaroo (*Macropus giganteus*) to be a controlled native species on 6 February 2017 (see the *Nature Conservation (Controlled Native Species—Eastern Grey Kangaroo) Declaration 2017* (DI2017–13)). The conservator then prepared the *Eastern Grey Kangaroo Controlled Native Species Management Plan 2017* (DI2017-37),

In 2024, the *Eastern Grey Kangaroo Controlled Native Species Management Plan 2017* was independently reviewed by Professor Sarah Legge. The conservator prepared the draft *Buru (Eastern Grey Kangaroo) Controlled Native Species Management Plan* in response to the review recommendations. The conservator, in accordance with the Act, section 162, undertook public consultation from 5 November to 18 December 2025 (see the *Nature Conservation (Buru—Eastern Grey Kangaroo—Draft Controlled Native Species Management Plan) Public Consultation Notice 2025* (NI2025-604)).

Overview

The purpose of the controlled native species management plan is to set out the approach to be adopted in maintaining wild populations of Buru (Eastern Grey Kangaroos) in the ACT while managing their negative environmental, economic and social impacts, and to ensure their welfare. Particular consideration is given to managing Buru grazing pressure on native grassy ecosystems in the context of grazing pressure from all herbivores.

The primary goals of Buru management in the ACT are to:

- maintain populations of Buru as a significant part of the fauna of the 'bush capital' and a component of the grassy ecosystems of the Territory; and

- manage and minimise the negative environmental, economic and social impacts of those Buru populations on other biota, grassy ecosystems, primary production, ACT residents and visitors.

In order to achieve these goals, the management plan provides detail on the circumstances and processes that apply to management of Buru on different types of land.

The conservator and the custodian of public or unleased land are required to implement the management plan. In implementing the plan, the custodian of public land can authorise others, such as contractors, to undertake culling on public land. In preparing the management plan, the conservator consulted the Parks and Conservation Service, which is the custodian of public land where culling of Buru would occur. The management plan does not permit or require private landholders to undertake culling without a separate authorisation from the conservator.

The conservator endorses the numbers of Buru allowed to be culled each year. Requirements for firearms licences, animal welfare standards and a commitment to ensuring public safety also apply.

This instrument commences on the day after its notification day.

This instrument revokes the *Nature Conservation (Eastern Grey Kangaroo) Controlled Native Species Management Plan 2017* (DI2017-37).

This instrument is a disallowable instrument and must be presented to the Assembly not later than 6 days after its notification day, pursuant to section 64 of the *Legislation Act 2001* (the ***Legislation Act)***.

Consistency with Human Rights

During the development of the plan due regard was given to its engagement with rights under the *Human Rights Act 2004* (the ***HR Act***).

Section 27C (1) of the HR Act provides that everyone has the right to a clean, healthy and sustainable environment. The United Nations Special Rapporteur on human rights and the environment has said that the right to a healthy environment contains at least 6 substantive elements, including, relevantly, healthy ecosystems and biodiversity.[1]

The controlled native species management plan contributes to healthy ecosystems and biodiversity in the ACT and thereby promotes the right to a healthy environment. The objects of the controlled native species management plan include protecting grassy ecosystems in the ACT and the endangered species that rely on them. The management of Buru is necessary to protect, maintain and enhance listed threatened species and ecological communities and to provide for ecologically sustainable land management.

In drafting the plan, consideration was also given to the distinct cultural rights of Aboriginal and Torres Strait Islander peoples in relation to the land, waters and other resources with which they have a connection, as provided in section 27 (2) (b) of the HR Act.

Regulatory Impact Statement (RIS)

Section 34 of Legislation Act provides that if a proposed subordinate law or disallowable instrument (the ***proposed law***) is likely to impose appreciable costs on the community, or a part of the community, then, before the proposed law is made, the Minister administering the authorising law must arrange for a regulatory impact statement to be prepared for the proposed law.

As this instrument is not likely to impose appreciable costs on the community, or part of the community, a RIS is not required under section 34 (1) of the Legislation Act.

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[1] David R Boyd, *Report of the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment*, UN Doc A/75/161 (15 July 2020).

Further, a RIS is unnecessary, in accordance with section 36 (1) (b) of the Legislation Act, as the instrument does not operate to the disadvantage of anyone (other than the custodian as a territory authority) by adversely affecting the person's rights, or imposing liabilities on the person.

Scrutiny Committee Principles

This instrument has been developed in accordance with the Standing Committee on Legal Affairs (Legislative Scrutiny Role) terms of reference, principles and technical and stylistic standards.