

AUSTRALIAN CAPITAL TERRITORY
NATURE CONSERVATION ACT 1980
SPECIAL PROTECTION STATUS
DETERMINATION NO. 31 OF 1997

EXPLANATORY STATEMENT

The *Nature Conservation Act 1980* (the Act) protects native animals and plants in the ACT and sets aside special protection status for species that are threatened with extinction. This is the highest level of statutory protection that can be given to a native species. It provides for increased penalties for unauthorised activities and tighter licensing constraints.

Section 15A of the 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 in accordance with section 18 of the Act and are set out in the publication *Threatened Species and Communities in the ACT - Criteria for Assessment*.

Section 21 of the 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 as a disallowable instrument. Species may be declared either vulnerable or endangered, depending on the degree of threat to their continuing survival.

On 27 December 1996, subsequent to a recommendation by the Flora and Fauna Committee, and in accordance with section 21 of the Act, the Minister, under Determination No. 1 of 1997, declared three additional species to be endangered.

Subsection 16(2) of the Act places an obligation on the Conservator of Flora and Fauna to declare, by instrument, that species of native animal or native plant have special protection status if either of the conditions specified in paragraph 16 (2)(a) or (b) apply. These refer to where the Minister for the Environment, Land and Planning has made a declaration under section 21 that the species is endangered or the Conservator believes that the species is threatened with extinction. The species listed in the instrument have been declared by the Minister under section 21 of the Act to be endangered.

This group of species is the second to be assigned special protection status following declaration by the Minister pursuant to section 21 of the Act. The first group was assigned special protection status in Determination No. 77 of 1996 notified in Gazette No. S109 of 3 June 1996. This instrument will revoke the original determination thus ensuring that all assignments of special protection status following declarations made under Section 21 of the Act remain in one discrete listing.

The names of the species are set out in the Schedule accompanying the instrument.