



ACT
Government

REGULATORY IMPACT STATEMENT

Nature Conservation (Exempt Animals) Declaration 2026
DI2026-61

Prepared in accordance with the *Legislation Act 2001*, section 34

Overview

This regulatory impact statement (RIS) relates to the *Nature Conservation (Exempt Animals) Declaration 2026* (the declaration) made under section 155 of the *Nature Conservation Act 2014* (the NC Act). The Conservator's declaration is a disallowable instrument.

This RIS establishes whether the proposed amendments to the declared list of exempt animals are reasonable; identifies the benefits and constraints; and assesses the impacts of the proposed amendments on the need to protect native species and significant ecosystems in the ACT, NSW and Australia.

The RIS provides:

- background on the declaration of exempt animals in the ACT;
- a summary of the issues addressed by the proposed amendments to the list;
- consideration of the benefits and constraints of the options;
- consideration of any mutual recognition issues;
- a statement addressing the proposals in consistency with the Scrutiny of Bills Committee Terms of Reference; and
- a conclusion about the preferred amendments to the list.

Background

The main object of the NC Act is to protect, conserve, and enhance biodiversity within the ACT. A key mechanism for achieving this is through the licensing of activities involving native and non-native animals—such as keeping, breeding, selling, trading, or collecting—for purposes including research, education, zoological management, animal handling, and public exhibition. This licensing framework ensures that such activities are conducted legally, safely, and sustainably, while also serving to prevent illegal trade and support biodiversity conservation.

Any animal not listed in the exempt animals declaration is known as a non-exempt animal, and a Nature Conservation licence is required to import, keep, sell, export or release these species.

For administrative and fee purposes Nature Conservation licences for animals are grouped into five categories:

- 1. Keep non-exempt animal** – includes keeping for non-commercial, commercial and wildlife rehabilitation purposes.
- 2. Keep non-exempt animal for public display.**
- 3. Import non-exempt animal** – includes importing into the ACT for non-commercial and commercial purposes.
- 4. Export non-exempt animal** - includes exporting from the ACT for non-commercial and commercial purposes.
- 5. Sell non-exempt animal** – including barter, exchange, offering for sale and possessing for sale.

It is an offence under section 133 of the NC Act to keep a non-exempt animal without a licence to do so. Non-exempt animals may be considered suitable for private keeping, provided the Conservator of Flora and Fauna is satisfied that:

- they are readily sourced from captive-bred populations;
- their basic welfare needs are known and can be managed in a captive environment; and

- the risks to human safety are negligible.

These are outlined in the Conservator Guidelines [Nature Conservation \(Licensing Related to Non-exempt Animals\) Conservator Guidelines 2024 | Notifiable instruments](#).

Proposed changes to the Exempt Animals Declaration

The proposed declaration amends the existing *Nature Conservation (Exempt Animals) Declaration 2019* by removing 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*) from the exempt animals declaration.

The last review of the exempt animals declaration was conducted in 2019. Since that time, Australian xdBORDER Seizure Records have documented many instances of seizures of Australian reptiles. Three of the five species proposed for new licensing requirements, the Blotched Blue-tongued Skink, Eastern Blue-tongued Skink and Shingle-back Lizard, are represented in the top ten list of individual species seized under the *Environment Protection and Biodiversity Conservation Act 1999*.

Australia's illegal wildlife trade threatens biodiversity and ecosystem health. Native species are extracted from their habitats and exploited by individuals and organised criminal networks for profit, contributing to species decline, ecosystem damage, and transnational financial crimes.

Regulatory gaps in State and Territory wildlife permit systems are often exploited by trafficking networks to obtain reptiles. Across Australia, the ACT is unique in exempting all five reptile species, with most other jurisdictions applying significantly tighter regulatory controls. New South Wales and Queensland require a basic/Class 1 licence for all five reptile species, and the Northern Territory and Western Australia prohibit ownership by default for several of the reptiles currently exempt in the ACT. Reptiles and amphibians are protected in Tasmania and may not be taken or kept in captivity without a permit with few exceptions, none of which include any of the five species proposed to be excluded from the ACT exempt animals declaration. Regulatory gaps currently enable the laundering of illegally sourced animals, undermining regulatory integrity. These shortcomings also impede efforts to foster and uphold lawful trade in jurisdictions with more robust compliance frameworks.

The proposed declaration will achieve its policy objectives by introducing a strengthened, risk-based regulatory framework for the management and export of native reptiles. This includes:

- **Enhanced licensing and permit systems** to regulate the legal trade and movement of native reptiles.
- **Stronger enforcement powers** for inspections, seizures, and prosecutions to deter illegal activity.
- **Improved interagency coordination** across federal, state, and territory jurisdictions to close legislative gaps and streamline compliance.
- **Penalties** that reflect the seriousness of wildlife trafficking and reduce its attractiveness compared to other forms of organised crime.

This approach is reasonable and appropriate because it:

- Aligns with Australia's international obligations under the Convention on International Trade in Endangered Species of Wild Fauna and Flora.

- Responds to identified enforcement challenges and intelligence on trafficking trends.
- Balances conservation outcomes with legitimate trade and biosecurity considerations.
- Reflects stakeholder feedback and supports a modernised, efficient regulatory system.

Interstate purchases and licensed movements of reptiles can often be the first indicator of reptile trafficking activity. Wildlife licence information can lead to the identification and disruption of wildlife trafficking offenders and broader networks. Licensing these species is one of the ways the ACT Government protects, conserves and enhances the biodiversity of the ACT, protects animal welfare, and prevents wild and captive bred animals from entering the illegal wildlife trade.

Alternative ways to prevent illegal trade and support biodiversity conservation include:

Enhanced Enforcement and Operational Coordination

- **Targeted field operations:** Proactive inspections informed by public intelligence have disrupted illegal activity in other jurisdictions, such as Queensland.
- **Border and postal intercepts:** Reptiles are often trafficked by mail. Stronger scanning and profiling at postal and customs points is essential and requires collaboration with Australian Border Force and the Department of Home Affairs.

Demand Reduction Strategies

- **Public awareness:** Educate the public on conservation and welfare impacts of illegal reptile trade. Promote captive-bred alternatives and clarify legal obligations.
- **Community engagement:** Partner with Aboriginal and Torres Strait Islander groups, landholders, and community stakeholders to support monitoring and protection of wild populations.

While measures such as enhanced enforcement and demand reduction strategies can deliver benefits, these approaches cannot provide a comprehensive or sustainable solution. They are resource-intensive and do not resolve regulatory consistency with other jurisdictions. Without a regulatory framework, enforcement remains reactive and fragmented, and demand reduction cannot guarantee compliance. Licensing introduces a clear, enforceable standard that supports prevention, simplifies monitoring, and creates accountability—addressing gaps that enforcement and education alone cannot fill.

Licensing provides a structured, enforceable mechanism to regulate wildlife trade and monitor compliance, directly targeting the supply chain vulnerabilities exploited by traffickers. This makes it the most reasonable and effective tool for reducing the risk of illegal trade in native reptiles.

The benefits and costs of implementing the proposed declaration addressing the illegal trade in native reptiles are shown below.

Option	Option 1: Maintain existing arrangements	Option 2 (Preferred): Introduce licensing regime for identified native reptiles and increase enforcement penalties	Option 3: Enhanced enforcement and operational coordination	Option 4: Demand reduction strategies
Benefits	<ul style="list-style-type: none"> • No additional administrative or compliance burden for government or reptile keepers. • Existing enforcement powers under the <i>Nature Conservation Act 2014</i> remain in place. • Current exemptions allow for low-barrier entry into reptile keeping, supporting hobbyist participation. • Avoids transitional costs associated with system changes or public education. 	<ul style="list-style-type: none"> • Enables monitoring of all native reptile holdings through mandatory licensing and record-keeping. • Reduces opportunities for laundering illegally acquired reptiles via unregulated exemptions. • Aligns ACT regulations with other jurisdictions, supporting national enforcement consistency. • Provides a legal basis for inspections, audits, and investigations. • Supports conservation by discouraging wild collection and improving oversight of captive breeding. • Improves public confidence in wildlife regulation through clearer rules and accountability. • Supports best practice enforcement and regulatory principles. 	<ul style="list-style-type: none"> • Improves detection and disruption of trafficking networks through joint operations and intelligence sharing. • Strengthens field enforcement through targeted inspections and postal intercepts. • Builds on existing legal frameworks without requiring legislative amendment. • Supports national coordination and complements federal enforcement efforts. 	<ul style="list-style-type: none"> • Raises public awareness of conservation risks and legal responsibilities. • Strengthens community engagement in monitoring and reporting. • Encourages long-term cultural change toward responsible ownership. • Imposes a low regulatory burden, requiring no legislative reform.

<p>Drawbacks</p>	<ul style="list-style-type: none"> • Regulatory gaps remain, particularly for exempt species, limiting traceability and oversight. • Opportunities for laundering illegally acquired reptiles persist. • Enforcement is reactive and limited by lack of visibility into private holdings. • Inconsistent with other jurisdictions, weakening national enforcement coordination. • Does not address emerging threats such as online trafficking or laundering through captive breeding claims. 	<ul style="list-style-type: none"> • May require additional administrative resources for licence processing, compliance monitoring, and enforcement. • Imposes new obligations on private keepers, including fees, reporting, and inspections. • May result in initial non-compliance or resistance from existing keepers unfamiliar with licensing requirements. • Transitional arrangements and public communication will be needed to implement the change effectively. • Does not eliminate trafficking risks without complementary federal enforcement and intelligence sharing. 	<ul style="list-style-type: none"> • Requires sustained inter-agency collaboration and operational resourcing. • Limited impact on laundering risk without underlying regulatory reform. • Enforcement reach remains constrained without visibility into unlicensed holdings. • ACT cannot independently implement border or postal screening measures; federal cooperation is required. • May not address demand-side drivers or long-term conservation outcomes. 	<ul style="list-style-type: none"> • Limited enforcement impact without regulatory tools. • Slow to change behaviour; not effective against organised trafficking. • No visibility into private holdings or ownership patterns. • Fails to address cross-jurisdictional inconsistencies in licensing.
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Mutual Recognition

A range of legislation operates at local, state/territory and national levels in Australia to manage trade in both native and non-native animals. The proposed changes do not seek to provide an absolute restriction on trade in native reptiles but will provide for the licensing of species that are high risk.

Consistency with Scrutiny of Bills Committee Terms of Reference

The proposal is consistent with the Legislative Assembly's Scrutiny of Bills Committee Terms of Reference.

1. The proposed amendments to the exempt animals declaration are within the scope of the authorising law. The changes would be made under the Conservator of Flora and Fauna's statutory power to declare exempt animals to notify the declaration as a disallowable instrument under the *Legislation Act 2001* (s. 155 of the NC Act).
2. The proposal is in accordance with the general objects of the NC Act to protect, conserve and enhance the biodiversity of the ACT. It is appropriately placed in subordinate legislation to the NC Act.
3. The proposal does not unduly trespass on rights previously established by law. The exempt animals declaration provides a statutory basis for regulating the keeping of animals in captivity in the context of the following offences and penalty provisions:
 - s. 133. Offence - keep (a) non-exempt animal;
 - s. 134. Offence - sell (a) non-exempt animal;
 - s. 136. Offence - import (a) non-exempt animal; and
 - s. 137. Offence - export (a) non-exempt animal.

A person will require a licence for the animal to be legally kept in captivity if an animal is not declared exempt.

4. The proposal does not make rights, liberties and/or obligations unduly dependent on non-reviewable decisions. If a licence is required for keeping or trading a non-exempt animal, a decision to not grant a licence is a reviewable decision.
5. The proposal does not unduly impact on any rights, liberties and/or obligations of individuals. Most non-native animals and native animals require a licence to keep or trade the animal (NC Act, division 6.1.2). The proposal only extends those requirements to native reptiles proportionate to the risks that have been identified.

Conclusion on proposed amendments

The proposed declaration achieves the policy objectives and provides the greatest net benefits to the community. The benefits of excluding native reptiles from the exempt animals declaration outweigh the constraints of maintaining the status quo.

This RIS complies with the requirements for a subordinate law as set out in part 5.2 of the *Legislation Act 2001*. An explanatory statement for the proposed amendments to the instrument accompanies the proposed declaration when it is notified.