

AUSTRALIAN CAPITAL TERRITORY  
NATURE CONSERVATION ACT 1980  
SPECIAL PROTECTION STATUS  
DETERMINATION NO 77 OF 1996  
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 15 April 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 29 of 1996, declared six species to be endangered.

Section 16(2)(b) of the Act specifies that the Conservator of Flora and Fauna shall, by instrument, declare the members of a species of native animal or native plant to have special protection status if the Minister makes a declaration under section 21 that the species is endangered. This is the instrument required by the Minister's declaration.

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