

AUSTRALIAN CAPITAL TERRITORY

NATURE CONSERVATION ACT 1980

**NATURE CONSERVATION DECLARATION OF SPECIAL
PROTECTION STATUS 2002**

DISALLOWALBE INSTRUMENT DI2002-42

EXPLANATORY STATEMENT

The *Nature Conservation Act 1980* (the Act) specifies the legislation regime for the protection of native animals or native plants in the ACT and provides a process for identifying species that are threatened with extinction by classifying species as having special protection status. This is the highest level of statutory protection that can be given and provides for increased penalties for unauthorised activities and tighter licensing constraints.

Section 16 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 where the protection of the species is the object, or part of the object, of an Act of the Commonwealth, or of an international agreement entered into by the Commonwealth. The Conservator is also to assign special protection status to species where he or she believes that the species is threatened with extinction or where the Minister for Urban Services has made a declaration under Section 21 that the species is endangered.

Section 15A of the Act establishes the Flora and Fauna Committee (the 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 specifies 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 4 September 2001, subsequent to a recommendation by the Committee, and in accordance with section 21 of the Act, the Minister, under Disallowable Instrument

Number 299 of 2001, declared two additional species, the Ginninderra Peppercross *Lepidium ginninderrense* and Silver Perch *Bidyanus bidyanus*, to be endangered.

Schedule 7 of this Instrument lists all species which have been declared by the Minister under section 21 of the Act to be endangered.

Two species, which have been declared as vulnerable under section 21 of the Act have also been declared as having special protection status as provided for under 16 of the Act. This instrument removes one of these species (the Striped Legless Lizard *Delma impar*) from Schedule 6 of special protection status species. This species was added to this schedule in 1991 as a precautionary measure when little was known about this species, its conservation status and because it was not protected in any nature reserves in the ACT. In 1996 the species was declared under section 21 of the Act as vulnerable and is now protected in three grassland reserves in Gungahlin. In addition, its habitat in parts of the Majura and Jerrabomberra Valleys, and a small population at Yarramundi Reach are subject to a Memorandum of Understanding with the Commonwealth which sets out responsibilities for conservation management of the species.

The Eastern Lined Earless Dragon *Tympanocryptis lineata pinguicolla* was declared in April 1996 as endangered under section 21 of the Act. Subsequently, in May 1996, it was declared an SPS species and added to Schedule 7 of SPS species. In 1999, a review of the genus *Tympanocryptis*, led to this lizard being recognised as a separate species *Tympanocryptis pinguicolla*. More recently, the common name “Grassland Earless Dragon” has come into widespread use. To reflect these changes the name “Southern Lined Earless Dragon *Tympanocryptis lineata pinguicolla*” is changed to “Grassland Earless Dragon *Tympanocryptis pinguicolla*” in Schedule 7.