

AUSTRALIAN CAPITAL TERRITORY
NATURE CONSERVATION ACT 1980

NATURE CONSERVATION (SPECIES AND ECOLOGICAL COMMUNITIES)
DECLARATION 2005 (No 1)

DI 2005-39

EXPLANATORY STATEMENT

The *Nature Conservation Act 1980* (the Act) provides for the protection of native plants and native animals and provides for the management of public land that is reserved for nature conservation purposes. Section 13 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 35 of the Act and are set out in the publication entitled *Threatened Species and Communities in the ACT - Criteria For Assessment*.

Section 38 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 sought as a disallowable instrument. This determination declares those species recommended by the Committee.

A species may be declared vulnerable or endangered depending on the degree of threat to its continued survival, an ecological community may be declared endangered and a process may be declared a threatening process.

A species may be declared endangered if:

- it is likely to become extinct in the ACT region unless the circumstances and factors threatening its abundance, survival or evolution cease; or
- its numbers or habitats have been reduced to such a level that the species is in immediate danger of extinction in the ACT region.

A species may be declared as vulnerable if within the next 25 years it is likely to become endangered in the ACT region unless the circumstances and factors threatening its abundance, survival or evolution cease.

This declaration adds two species, the Canberra Spider Orchid (*Arachnorchis actensis*) and the Brindabella Midge Orchid (*Corunastylis ectopa*) to Schedule 2 – Endangered Species.

This instrument revokes the previous declarations listed in the *Nature Conservation (Species and Ecological Communities) Declaration 2003 (No 2) DI 2003-319*, notified in the ACT Legislation Register on 8 December 2003.