

**AUSTRALIAN CAPITAL TERRITORY
NATURE CONSERVATION ACT 1980**

**NATURE CONSERVATION (SPECIAL PROTECTION STATUS)
DECLARATION 2005 (No 1)**

DI 2005-64

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.

The Conservator of Flora and Fauna (the Conservator) may declare members of a species of migratory animal to have special protection status (SPS) if the protection of the species is the object, of an Act of the Commonwealth, or of an international agreement entered into by the Commonwealth. These species are listed in Schedule 5. Furthermore, the Conservator is obliged to declare the members of a species of native animal or native plant to have SPS if he or she believes on reasonable grounds that the species is threatened with extinction (listed in Schedule 6) or the Minister makes a declaration under the Act that species is endangered (Schedule 7).

SPS is the highest level of statutory protection that can be given and provides for increased penalties for unauthorised activities and tighter licensing constraints.

On 2 April 2005, subsequent to a recommendation by the Flora and Fauna Committee, and in accordance with section 38 of the Act, the Minister, under Disallowable Instrument DI2005-39 declared two additional species, the Brindabella Midge Orchid (*Corunastylis ectopa*) and the Canberra Spider Orchid (*Arachnorchis actensis*) to be endangered.

This instrument adds the two recently declared Orchid species (the Brindabella Midge Orchid *Corunastylis ectopa* and the Canberra Spider Orchid *Arachnorchis actensis*) to Schedule 7. Furthermore, the Northern Corroboree Frog (*Pseudophryne pengilley*) which was declared by the Minister as endangered on 27 August 2003 (DI2003-265) is added to Schedule 7 to complete it as a full list of all species that have been declared by the Minister as endangered.

Schedules 5 and 6 remain unchanged by this instrument.