

Nature Conservation (Threatened Ecological Communities and Species) Action Plan 2007 (No 2)

Disallowable instrument DI2007— 85

made under the

Nature Conservation Act 1980, s 42 (Preparation of action plan)

EXPLANATORY STATEMENT

The *Nature Conservation Act 1980* (the Act) is the primary ACT legislation for the protection of native plants and animals. A 1994 amendment to the Act established the Flora and Fauna Committee as an expert advisory body to the Minister. The Flora and Fauna Committee advises the Minister of ACT species and ecological communities that are threatened with extinction and recommend that they be declared accordingly.

Section 42 of the Act provides for the Conservator of Flora and Fauna to prepare an Action Plan for each species or community that has been the subject of a declaration. An Action Plan is a management response to a recognised ecological threat. It is required to include proposals for the identification, protection and survival of the species or community concerned. A process of public consultation is provided for.

Disallowable Instrument DI2007-84 made a new Action Plan No. 29, which superseded six separate Action Plans previously prepared. This necessitated the revocation of a previous instrument for Action Plans (DI2005-87). However DI2005-87, also includes Action Plans not covered by the new Action Plan No. 29.

These plans therefore are required to be retained in their own right. This Instrument reinstates the revoked Action Plans for those species:

- Action Plan No. 5. A subalpine herb (*Gentiana baeuerlenii*)
- Action Plan No. 6. Northern Corroboree Frog (*Pseudophryne pengilleyi*)
- Action Plan No 22. Brush-tailed Rock Wallaby (*Petrogale penicillata*)

In addition, this Instrument reinstates:

- Action Plan No 23-Smoky Mouse (*Pseudomys fumeus*)

which was previously made under DI1999-244, repealed by DI 2004-52 and due to an administrative omission, not reinstated at that time.

This instrument revokes the previous instrument for Action Plans (DI2005-210), which is for

- Action Plan No 30. Spotted –tailed Quoll (*Dasyurus maculatus*)

This is done for administrative purposes only to reduce the number of Instruments covering Action Plans.

This instrument also makes it clear that previous instruments for Action Plans (NI 1998-216, NI1999-7 & NI1999-206) are revoked. The plans in these instruments have been superseded by:

- Action Plan No 27 Woodland Conservation Strategy (DI 2004-52) and
- Action Plan No 28 Woodland Conservation Strategy (DI2005-84).

An Action Plan is a disallowable instrument and must be notified, under the *Legislation Act 2001*, and presented to the ACT Legislative Assembly.

While the legal authority of the Strategy is confined to the Australian Capital Territory, management considerations are addressed in a regional context.