

**AUSTRALIAN CAPITAL TERRITORY
NATURE CONSERVATION ACT 1980**

**NATURE CONSERVATION (SPECIAL PROTECTION STATUS)
DECLARATION 2011 (No 1)**

DI 2011- 61

EXPLANATORY STATEMENT

The *Nature Conservation Act 1980* (the Act) specifies the legislative framework for the protection of native plants and animals in the ACT and provides a process for identifying species that are threatened with extinction.

The Act contain provisions for a number of types of protection for plants and animals including the special protection status (SPS). This protection status provides the highest level of statutory protection that can be given and provides for increased penalties for unauthorized activities and more stringent licensing constraints.

Special protection status is enacted through a written declaration by the Conservator of Flora and Fauna (the Conservator) under section 33 of the Act. This section grants SPS for the following conditions:

- if a Commonwealth Act or international agreement entered into by the Commonwealth aims to protect members of species of migratory animals;
- if the Conservator believes on reasonable grounds that a species is threatened with extinction; or
- the Minister makes a declaration that a species is vulnerable or endangered

Schedule 1 of the *Nature Conservation (Special Protection Status) Declaration 2011(No1)* refers to species, which the Commonwealth has agreed to protect under international agreements.

Schedule 2 refers to species that are vulnerable, endangered, critically endangered and extinct under the provisions of *Environment Protection and Biodiversity Conservation Act 1999 (Cth)* and lists species that the Conservator believes on reasonable grounds to be threatened with extinction .

To ensure that the SPS Instrument is consistent with the Commonwealth species list, the Schedules in this instrument refers to the Commonwealth listings and Commonwealth website as they keep an up-to date list of threatened species and are regularly updated by the Commonwealth.

Furthermore Schedule 3 lists species which have been declared by the Minister under the Act as endangered species.

On 22 February 2008, subsequent to a recommendation by the Flora and Fauna Committee, and in accordance with section 38 of the Act, the Minister, under Disallowable Instrument DI2008-26 declared one additional species, the Little Eagle (*Hieraaetus morphnoides*), to be vulnerable.

On 17 August 2010, subsequent to a recommendation by the Flora and Fauna Committee, and in accordance with section 38 of the Act, the Minister, under Disallowable Instrument DI2010-194 declared one additional species, the Glossy Black-cockatoo (*Calyptorhynchus lathami*) to be vulnerable.

This instrument adds the two declared species (the Little Eagle (*Hieraaetus morphnoides*), and Glossy Black-cockatoo (*Calyptorhynchus lathami*) to Schedule 2. Furthermore, the Schedule 2 has been amended to refer to the Commonwealth's list of threatened species to ensure that the Schedule remains current.

On 27 March 2008, subsequent to a recommendation by the Flora and Fauna Committee, and in accordance with section 38 of the Act, the Minister, under Disallowable Instrument DI2008-53 declared one additional species, the Pink-Tailed Worm Lizard (*Aprasia parapulchella*) to be vulnerable. As this species was already listed by the Commonwealth and therefore included as a special protection status species, the Schedule was not needed to be amended to include it.

Schedule 3 remains unchanged.