

Australian Capital Territory

Nature Conservation (Brush-tailed Rock-wallaby) Action Plan 2015 (No 1)

Disallowable instrument DI2015–68

made under the

Nature Conservation Act 1980, s42 (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. The Act establishes the Flora and Fauna Committee as an expert body to advise the Minister, including recommending to the Minister that species be declared to be vulnerable or endangered, as the case may be.

The Minister, following the Flora and Fauna Committee's recommendation, declared the Brush-tail Rock-wallaby (*Petrogale penicillata*) to be an endangered species (see DI2012-11).

Section 42 of the Act provides that the Conservator of Flora and Fauna may prepare an Action Plan for each species 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.

Section 41 of the Act requires public consultation on Action Plans before they are prepared. A public consultation process was undertaken for this Action Plan. In accordance with section 42 of the Act, public comments were taken into account in preparing the Action Plan.

This instrument is Brush-tailed Rock-wallaby Action Plan 2015 (No 1).

While the legal authority of the Action Plan is confined to the ACT, management considerations are addressed in a regional context.

Nature Conservation (Threatened Ecological Communities and Species) Action Plan 2013 (No 1) (DI2013-277) attached action plans for six species, including the Brush-tailed Rock-wallaby. The current instrument revokes Action Plan 22 Brush-tailed Rock-wallaby as attached to DI2013-277.

An Action Plan is a disallowable instrument. The *Legislation Act 2001* requires this instrument be notified and presented to the ACT Legislative Assembly.

This disallowable instrument is not likely to impose appreciable costs on the community, or part of the community and therefore a regulatory impact statement is not required (s34 *Legislation Act 2001*). Further, a regulatory impact statement is unnecessary, in accordance with s36 of the *Legislation Act 2001*, as the disallowable instrument does not operate to the disadvantage of anyone by adversely affecting the person's rights, or imposing liabilities on the person.