

Australian Capital Territory

# Nature Conservation (Exempt Animals) Declaration 2015 (No 1)

Disallowable instrument DI2015—118

made under the

Nature Conservation Act 2014, s 155 (Declarations-Exempt Animals)

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## EXPLANATORY STATEMENT

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This explanatory statement relates to the *Nature Conservation (Exempt Animals) Declaration 2015 (No. 1)*. It has been prepared in order to assist the reader. The Statement should be read in conjunction with the declaration.

### Overview

Section 155 of the *Nature Conservation Act 2014* (NC Act 2014) provides for the declaration of exempt animals under the Act.

An exempt animal means an animal for which an exempt animal declaration is in force. The Conservator may declare a stated animal to be an exempt animal. In making a declaration the Conservator is required to consider the need to protect native species in the ACT and the need to conserve the significant ecosystems of the ACT, NSW and Australia.

The exempt animals listed in Schedule 1 were listed as exempt animals under the *Nature Conservation Act 1980* (NC Act 1980). Transitional arrangements under the NC Act 2014 (s 408) apply. If, immediately before the commencement day, an animal is declared to be an exempt animal under the NC Act 1980, section 34 (1) (b) (Declaration of protected and exempt flora and fauna), the animal is, on the commencement day, taken to be eligible to be declared as an exempt animal under section 155 (Declarations—exempt animals).

The Species listed at Schedule 1 were listed as exempt animals under the NC Act 1980.

The criteria that was applied to the listing of exempt species under the NC Act 1980 and as transitioned to the NC Act 2014 are outlined below:

### *Exempt Native Animals*

- 1) Native species bred in captivity whose keeping is not known to pose a threat to wildlife (either to that species or to some other species).
- 2) There is no public safety issue associated with keeping and or commerce in the species (covered by this Act in default of being covered by any other Act).
- 3) There is no administrative reason for having a licensing requirement, such as data collection and records management.

### *Exempt exotic animals*

- 1) It is considered unlikely to be capable of becoming established in the wild, exacerbating existing pest populations, or introducing a disease to wild populations.
- 2) Keeping and/or commerce in the species will not put pressure on or pose an additional threat to wild populations of native species.
- 3) There is no public safety issue associated with keeping and or commerce in the species (covered by this Act in default of being covered by any other Act).
- 4) There is no administrative reason for having a licensing requirement, such as data collection and records management

The exempt animals list will be reviewed from time to time to ensure that it remains current, particularly in regard to risks exempt animals pose to that species or other species. .

### **Outline of provisions**

Clause 1 details the title of the Instrument.

Clause 2 states that the instrument commences on the day the NC Act 2014 commences. Section 81 of the *Legislation Act 2001* applies to the exercise of a power to make an appointment or statutory instrument given by a law that has been notified but has not commenced.

Clause 3 makes reference to Schedule 1 which lists animals that have been declared exempt.