

Australian Capital Territory

Nature Conservation (Exempt Animals) Declaration 2019

Disallowable instrument DI2019–66

made under the

Nature Conservation Act 2014, s 155 (Declarations—exempt animals)

EXPLANATORY STATEMENT

This explanatory statement relates to the *Nature Conservation (Exempt Animals) Declaration 2019*. It has been prepared in order to assist the reader. The Explanatory Statement should be read in conjunction with the *Nature Conservation (Exempt Animals) Declaration 2019*.

Overview

Chapter 11 of the *Nature Conservation Act 2014* (the NC Act) includes requirements for licences that regulate trade and keeping of all animals (both native and non-native). It is an offence under Chapter 6 to trade in animals unless the animal is declared as an exempt animal.

Under section 155 of the NC Act, the Conservator of Flora and Fauna (the Conservator) is responsible for making an exempt animal declaration, which exempts the animal from licensing requirements relating to the keeping or trade (sale, import, export etc.) of an animal. The exemption does not apply to the capture of native animals or release of any animal which does require a licence.

Under section 155 (2) of the NC Act, 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 when making an exempt animal declaration.

Under section 155 (3) of the NC Act, an exempt animal declaration is a disallowable instrument.

Background

An exempt animals declaration has been in force since 4 July 2002. A declaration was most recently made by the Conservator on 11 June 2015 without significant change under transitional provisions of the NC Act, which commenced on 11 June 2015. The last policy revision of the exempt animals declaration was made in

2002, see [Nature Conservation Declaration of Protected and Exempt Flora and Fauna 2002 \(No 2\)](#) (DI 2003-6) (repealed).

The current exempt animals declaration is outdated: several non-native species previously listed as exempt are now listed as pest species or have been assessed as a serious or extreme pest. The new declaration removes many non-native species from the exempt animals declaration because of the risk of the animals becoming feral if they escape captivity.

The declaration excludes a number of birds that are commonly kept in aviaries. The national risk assessment was taken into account for birds that are commonly kept, but a number of species were not considered to require a licence given the likelihood of escape and the likelihood of the escaped animal surviving and breeding have not been significant. Should these species prove problematic in future the declaration could be revised.

The current declaration includes animals that are already widespread pests such as Common Mynas and Starlings. Although the overall population of these pest species is not likely to be significantly impacted by escaped birds, there is a risk of introduction to new areas and they have therefore been removed from the revised declaration.

Since the last revision of the exempt species declaration in 2002, the *Pest Plants and Animals Act 2005* (PPA Act) has come into effect. Under section 16 of the PPA Act, animals may be declared as prohibited pest animals. A prohibited pest animal is an animal whose supply or keeping is prohibited under section 16 (2) (b) of the PPA Act. The most recent declaration of prohibited pest animals was made in 2016; see the *Pest Plants and Animals (Pest Animals) Declaration 2016 (No 1)* (DI2016-312). Any animal species now listed as a prohibited pest animal has been deleted from, or not added to, the exempt species declaration.

The Arabian Camel (*Camelus dromedarius*) has also been removed from the declaration. Camels are large animals requiring large areas and specialised husbandry: licensing their keeping is appropriate. They are not currently managed under other acts such as the *Stock Act 2005*. If they escape they are likely to cause damage to native ecosystems.

Licensing the keeping of animals allows the Conservator to specify conditions about how an animal should be kept, including such matters as the type of enclosure, the required feeding, cleaning and hygiene requirements, and any requirements for record keeping.

This revision of the exempt species listing for the ACT has been informed by the:

1. The *ACT Pest Animal Management Strategy 2012-2022* (Environment and Sustainable Development, ACT Government); and
2. Recognised threat categories for exotic vertebrate animal species in Australia:
 - a. List of Exotic Vertebrate Animals in Australia, revised July 2007 (Vertebrate Pests Committee) and
 - b. the Australian List of Threat Categories of Non-Indigenous Vertebrates for Invasive Plants and Animals Committee (IPAC) endorsement, November 2015.

Regulatory Impact Statement

A regulatory impact statement (RIS) has been prepared for the revised exempt animals declaration.

Not many people are likely to be impacted by this change. The benefits of removing animals from the exempt animals declaration outweigh the constraints. Transitional arrangements would further reduce any residual minor regulatory impact on affected individuals.

Human Rights

The disallowable instrument does not affect any human rights.

Clause 1 details the title of the instrument.

Clause 2 provides for commencement of the instrument.

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

Clause 4 revokes the previous exempt animals declaration.