

Australian Capital Territory

# Nature Conservation (High Country Bogs and Associated Fens Ecological Community) Action Plan 2024

Disallowable instrument DI2024–94

made under the

Nature Conservation Act 2014, s 105 (Draft action plan—final version and notification)

## EXPLANATORY STATEMENT

---

### Introduction

This explanatory statement relates to the *Nature Conservation (High Country Bogs and Associated Fens Ecological Community) Action Plan 2024* as presented to the Legislative Assembly. It has been prepared in order to assist the reader of the disallowable instrument. It does not form part of the disallowable instrument and has not been endorsed by the Assembly.

The statement must be read in conjunction with the disallowable instrument. It is not, and is not meant to be, a comprehensive description of the disallowable instrument. What is said about a provision is not to be taken as an authoritative guide to the meaning of a provision, this being a task for the courts.

### Background

The *Nature Conservation Act 2014* (the **Act**) is the primary ACT legislation for the protection of native plants and animals. The Act establishes the Scientific Committee (SC) as an expert body to advise the Minister about the listing of threatened species in the ACT.

In February 2019, the then Minister for the Environment, Mick Gentleman MLA, listed the ‘High Country Bogs and Associated Fens’ as ‘Endangered’ on the ACT Threatened Ecological Communities List (NI2020-301). The listing aligns with the Commonwealth listing under the *Environment Protection and Biodiversity Conservation Act 1999*. A conservation advice was prepared by the SC to support this listing (NI2019-66).

The conservation advice, prepared by the SC and released at the time of listing, described the important role of this threatened ecological community. This action plan proposes monitoring and conservation actions needed to help maintain the function of these unique ecosystems and protect the component threatened species.

Under section 101 of the Act, the Conservator is responsible for preparing a draft action plan for a relevant ecological community. The draft action plan addresses the threats outlined in the conservation advice and expands on proposed management actions. Section 102 of the Act requires the SC to be consulted on the preparation of a draft action plan.

Pursuant to section 100 of the Act, a draft action plan must set out proposals to ensure, as far as practicable, the identification, protection and survival of the ecological community and identify any known critical habitat for the community. The Conservator must consider the impact of climate change, threats to the ecological community, connectivity requirements and critical habitat (s. 101(3)).

Under section 103 of the Act, public consultation on a draft action plan is required before it is finalised. A draft of the High Country Bogs and Associated Fens Ecological Community Action Plan was released for public consultation for a period longer than the statutory six week period from 9 December 2022 – 8 March 2023. Fifty-one survey responses were received via YourSay plus eight detailed written submissions from targeted experts. The draft plan was revised in response to the submissions received. The Conservator sought final comment on the revised final draft plan from the SC.

Under section 105 of the Act, the final version of a draft action plan prepared by the Conservator is a disallowable instrument. This instrument is the final version of the draft Action Plan for the High Country Bogs and Associated Fens Ecological Community prepared under section 104.

The primary objective of this action plan is to conserve and improve the ACT Bogs and Associated Fens Ecological Community as a viable and well-represented Ecological Community in the ACT. This includes the maintenance and improvement of natural ecological and evolutionary processes within the Ecological Community. These objectives are supported by management actions.

### **Regulatory Impact Statement**

No regulatory impact statement (RIS) has been prepared in accordance with section 34 of the *Legislation Act 2001* as the disallowable instrument is not likely to impose appreciable costs on the community, or part of the community.

Further, a RIS is not required, in accordance with section 36 (1) (b) of the *Legislation Act* as the matter does not operate to the disadvantage of anyone (other than the Territory) by adversely affecting a person's rights or imposing liabilities on a person. The Action Plan contains objectives and actions. These provide guidance but do not impose liabilities on anyone or adversely affect anyone's rights.

### **Human Rights**

The disallowable instrument does not engage with any human rights contained in the *Human Rights Act 2004*.

## **Outline of provisions**

### **Section 1 – Name of instrument**

This section names the instrument.

### **Section 2 – Commencement**

This section provides for the commencement of the instrument.

### **Section 3 – Action plan**

This section provides that the final version of the Action Plan is set out in schedule 1 to the instrument.