

AUSTRALIAN CAPITAL TERRITORY  
NATURE CONSERVATION ACT 1980  
SPECIAL PROTECTION STATUS  
INSTRUMENT NO. 197 OF 1998  
EXPLANATORY STATEMENT

The *Nature Conservation Act 1980* (the Act) specifies the legislation regime for the protection of native animals or native plants in the ACT and provides a process for identifying species that are threatened with extinction by classifying species as having special protection status. This is the highest level of statutory protection that can be given and provides for increased penalties for unauthorised activities and tighter licensing constraints.

Section 16 of the Act places an obligation on the Conservator of Flora and Fauna to declare, by instrument, that species of native animal or native plant have special protection status where the protection of the species is the object, or part of the object, of an Act of the Commonwealth, or of an international agreement entered into by the Commonwealth. The Conservator is also to assign special protection status to species where he or she believes that the species is threatened with extinction or where the Minister for Urban Services has made a declaration under Section 21 that the species is endangered.

On 18 November 1997, the Conservator agreed that an additional species, which the Minister declared as vulnerable, was threatened with extinction and therefore warranted special protection status. The species listed in Schedule 6 have been declared by the Conservator as being vulnerable to, or threatened with extinction.

Section 15A of the Act establishes the Flora and Fauna Committee with responsibilities for assessing the conservation status of ACT plant and animal species and ecological communities, and the ecological significance of processes that impact upon the natural environment. Assessments are made in accordance with criteria specified in accordance with section 18 of the Act and are set out in the publication *Threatened Species and Communities in the ACT - Criteria for Assessment*

Section 21 of the Act specifies that where the Committee believes that a species or community is threatened with extinction, or a process is ecologically threatening, it shall advise the Minister and recommend that the species, community or process be declared accordingly. Where the Minister accepts a recommendation, the Minister shall make the declaration as a disallowable instrument. Species may be declared either vulnerable or endangered, depending on the degree of threat to their continuing survival.

On 19 May 1997, 6 January 1998 and 7 August 1998, subsequent to a recommendation by the Flora and Fauna Committee, and in accordance with section 21 of the Act, the Minister, under Determination No. 7 of 1998, declared three additional species to be endangered.

The species listed in the Instrument as Schedule 7 have been declared by the Minister under section 21 of the Act to be endangered.