

EXPLANATORY STATEMENT

(Issued under the Authority of the Minister for Sustainability, Environment, Water, Population and Communities)

Environment Protection and Biodiversity Conservation Act 1999

Making the Recovery Plan for the Australian Sea Lion

The *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (the EPBC Act) provides for the protection of the environment and conservation of biodiversity, including the protection and conservation of threatened species and ecological communities.

The purpose of this instrument is to make a recovery plan for the Australian sea lion (*Neophoca cinerea*).

Making a Recovery Plan for the Australian Sea Lion

Part 13, Division 5, Subdivision A of the EPBC Act provides for the making, or adoption of, recovery plans for listed threatened species or listed threatened ecological communities, which bind the Commonwealth and Commonwealth agencies.

Section 269A(2) of the EPBC Act enables the Minister to make a written recovery plan for the purposes of the protection, conservation and management of a listed threatened species or listed threatened ecological community.

The purpose of this instrument is to make a recovery plan for *Neophoca cinerea* – Australian sea lion, the Recovery Plan for the Australian Sea Lion (*Neophoca cinerea*).

This recovery plan meets the requirements of section 270 of the EPBC Act and regulation 7.11 of the Environment Protection and Biodiversity Conservation Regulations 2000 (Cth) (the Regulations). It sets out the research and management actions necessary to stop the decline of, and support the recovery of, the Australian sea lion throughout its range.

Section 274 of the EPBC Act, which requires the Minister to obtain and consider advice from the Scientific Committee on the content of the plan, has been met.

In accordance with section 275 of the EPBC Act, the draft plan and accompanying detailed technical issues paper were published online from 20 April 2010 to 29 July 2010. A notice inviting comments from the public on the recovery plan was advertised in the Commonwealth of Australia Government Notices Gazette (No. GN 16, 28 April 2010), The Australian newspaper (22 April 2010) and on the website of the Australian Government Department of Environment, Water, Heritage and the Arts. As per section 276 of the EPBC Act, all comments were considered in making the recovery plan.

This recovery plan is a legislative instrument for the purposes of the Legislative Instruments Act 2003 (Cth).

The Recovery Plan for the Australian Sea Lion (*Neophoca cinerea*) commences on the day after this recovery plan is registered on the Federal Register of Legislative Instruments. Authority: Section 269A(2) of the Environment Protection and Biodiversity Conservation Act 1999 (Cth).

Statement of Compatibility with Human Rights

Prepared in accordance with Part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011

Recovery Plan for the Australian Sea Lion (*Neophoca cinerea*)

This Legislative Instrument is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

Overview of the Legislative Instrument

The Recovery Plan for the Australian sea lion (*Neophoca cinerea*) establishes a national framework to guide and coordinate the recovery of the Australian sea lion. The Recovery Plan identifies research and management priorities necessary to assist the long-term recovery of the species. The Australian sea lion is listed as Vulnerable under the *Environment Conservation and Biodiversity Act 1999* (the EPBC Act) and as such it is an offence to kill, take, trade, keep, move or injure members of this species in or on a Commonwealth area (s196).

The Recovery Plan for the Australian Sea Lion was developed through extensive consultation with a broad range of stakeholders and affected interests in accordance with section 275 of the EPBC Act. The draft version of the plan was open to public consultation in April 2010 for a period of three months and the final version of the plan was approved by the Threatened Species Scientific Committee on 6 September 2012 before being made by the Minister.

The eight conventions listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011* were considered in the preparation of the Recovery Plan for the Australian Sea Lion.

Human rights implications

This Legislative Instrument does not engage any of the applicable rights or freedoms.

Conclusion

This Legislative Instrument is compatible with human rights as it does not raise any human rights issues.

Tony Burke MP, Minister for Sustainability, Environment, Water, Population and Communities