

EXPLANATORY STATEMENT

Environment Protection and Biodiversity Conservation Act 1999

Repeal of Recovery Plans

(Issued under the Authority of the Minister for the Environment, Heritage and the Arts)

The *Environment Protection and Biodiversity Conservation Act 1999* (the Act) places certain obligations on the Commonwealth to protect and conserve threatened species and ecological communities.

Subsection 269A(7) of the Act enables the Minister, by instrument in writing, to adopt as a recovery plan a plan made by a State, a self-governing Territory or an agency of a State or self-governing Territory.

Subsection 33(3) of the *Acts Interpretation Act 1901* provides that where an Act confers a power to make, grant or issue any instrument (including rules, regulations or by-laws) the power shall, unless the contrary intention appears, be construed as including a power exercisable in the like manner and subject to the like conditions (if any) to repeal, rescind, revoke, amend, or vary any such instrument.

The purpose of this instrument is to repeal the following Recovery Plans:

- Trout Cod Recovery Plan DNRE (1998), adopted on 9 March 2001;
- Sunshine Diuris Recovery Plan DNRE (1998), adopted on 9 March 2001;
- Southern Cassowary Recovery Plan QPWS (2001), adopted on 5 October 2001; and
- Mahogany Glider Recovery Plan QPWS (2000), adopted on 9 March 2001.

The above Recovery Plans have been replaced by new Recovery Plans adopted under a separate instrument.

The instrument repealing the Recovery Plans is a legislative instrument for the purposes of the *Legislative Instruments Act 2003*.

The repeal of the Trout Cod Recovery Plan DNRE (1998), Sunshine Diuris Recovery Plan DNRE (1998), Southern Cassowary Recovery Plan QPWS (2001), and Mahogany Glider Recovery Plan QPWS (2000) takes effect on the date of signing of the instrument.

For the purposes of subsection 12(2) of the *Legislative Instruments Act 2003*, the rights and liabilities of a person other than the Commonwealth have not been adversely affected by the retrospective repealing of the plans.