

EXPLANATORY STATEMENT

Environment Protection and Biodiversity Conservation Act 1999

Adoption of a State or Territory Plan as a Recovery Plan

(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.

The purpose of this instrument is to adopt the *Border Ranges Rainforest Biodiversity Management Plan, NSW & Queensland* (the adopted plan), prepared by New South Wales.

The adopted plan provides for the research and management actions necessary to stop the decline of, and support the recovery of, listed threatened species and ecological communities in order to maximise their chances of long-term survival in nature.

Before the Minister may adopt a recovery plan under subsection 269A(7) of the Act, subsection 277(1) of the Act provides that the Minister must be satisfied that an appropriate level of consultation has been undertaken in making the plan and that the plan meets the requirements of section 270 of the Act. In addition subsection 277(2) of the Act requires the Minister to obtain and consider advice from the Scientific Committee on the content of the plan.

The adopted plan has been assessed and complies with section 270 of the Act and regulation 7.11 of the *Environment Protection and Biodiversity Conservation Regulations 2000*. In addition, the adopted plan was placed on public exhibition and comments were invited from the public. All comments were taken into account in making the decision to adopt the recovery plan under the Act.

In accordance with subsection 277(2) of the Act, the advice of the Threatened Species Scientific Committee was also obtained on the content of the recovery plan. The Committee advised that it recommends the plan for adoption by the Minister.

The adopted plan is available from the Australian Government Department of the Environment, Water, Heritage and the Arts website:

<http://www.environment.gov.au/biodiversity/threatened/recovery-list-common.html>

or from the Community Information Unit, Department of the Environment, Water, Heritage and the Arts, GPO Box 787, Canberra ACT 2601 or by phoning on 1800 803 772.

The instrument adopting the recovery plan is a legislative instrument for the purposes of the *Legislative Instruments Act 2003*.

The adopted plan commenced on the day after this instrument was registered on the Federal Register of Legislative Instruments.