

EXPLANATORY STATEMENT

(Issued under the Authority of the Minister for the Environment)

Environment Protection and Biodiversity Conservation Act 1999 (Cth) Acts Interpretation Act 1901 (Cth)

Revoking and Making the Recovery Plan for the Grey Nurse Shark

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 revoke the current recovery plan for the grey nurse shark, the Recovery Plan for the Grey Nurse Shark (*Carcharias taurus*) in Australia 2002, and to make a new recovery plan, the Recovery Plan for the Grey Nurse Shark (*Carcharias taurus*) 2014.

Revoking the Recovery Plan for the Grey Nurse Shark

Section 33(3) of the *Acts Interpretation Act 1901* (Cth) in conjunction with section 269A(2) of the EPBC Act enables the Minister at any time to revoke a recovery plan. The first purpose of this instrument is to revoke the current recovery plan for the grey nurse shark, the Recovery Plan for the Grey Nurse Shark (*Carcharias taurus*) in Australia, made in 2002.

Making a Recovery Plan for the Grey Nurse Shark

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 second purpose of this instrument is to make a new recovery plan for the grey nurse shark, the Recovery Plan for the Grey Nurse Shark (*Carcharias taurus*) 2014.

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 grey nurse shark throughout its range in Australian waters.

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

In accordance with section 275 of the EPBC Act, the draft recovery plan was open for public comment from 7 August 2013 until 22 November 2013. A notice inviting comments from the public on the recovery plan was advertised in the Commonwealth of Australia Government Notices Gazette (C2013G01204, 7 August 2013), The Australian newspaper (9 August 2013) and on the website of the Australian Government Department of the Environment. 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 Grey Nurse Shark (*Carcharias taurus*) 2014 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 Grey Nurse Shark (*Carcharias taurus*) 2014

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 Grey Nurse Shark (*Carcharias taurus*) 2014 establishes a national framework to guide and coordinate the recovery of the grey nurse shark throughout its range in Australian waters. The Recovery Plan identifies research and management priorities necessary to assist the long-term recovery of the species. The grey nurse shark west coast population is listed as Vulnerable and the grey nurse shark east coast population is listed Critically Endangered 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 Grey Nurse Shark (*Carcharias taurus*) 2014 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 opened to public consultation in August 2013 for a period of three months and the final version of the plan was endorsed by the Threatened Species Scientific Committee on 6 September 2014 before being made by the Minister.

The conventions listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011* were considered in the preparation of the Recovery Plan for the Grey Nurse Shark (*Carcharias taurus*) 2014.

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.

Greg Hunt MP, Minister for the Environment