

EXPLANATORY STATEMENT

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

Environment Protection and Biodiversity Conservation Act 1999 (Cth)

Making the National Recovery Plan for the Regent Honeyeater (*Anthochaera phrygia*)

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 the National Recovery Plan for the Regent Honeyeater (*Anthochaera phrygia*).

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.

This recovery plan supersedes the recovery plan previously made under the Act, entitled '*Regent Honeyeater Recovery Plan 1999-2003*'.

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 regent honeyeater throughout its range in Australia.

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 15 September 2015 until 18 December 2015. A notice inviting comments from the public on the recovery plan was advertised in the Commonwealth of Australia Government Notices Gazette, The Australian newspaper 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 *Legislation Act 2003* (Cth). The National Recovery Plan for the Regent Honeyeater (*Anthochaera phrygia*) commences on the day after this recovery plan is registered on the Federal Register of Legislation.

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

National Recovery Plan for the Regent Honeyeater (*Anthochaera phrygia*).

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 purpose of this Legislative Instrument is to make the National Recovery Plan for the Regent Honeyeater (*Anthochaera phrygia*). The plan establishes a national framework to guide and coordinate the recovery of the regent honeyeater throughout its range in Australia. The recovery plan identifies research and management priorities necessary to assist the long-term recovery of the species. *Anthochaera phrygia* are listed as Critically Endangered under the *Environment Protection and Biodiversity Conservation 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 National Recovery Plan for the Regent Honeyeater 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 from 15 September 2015 until 18 December 2015, a period of three months, and the final version of the plan was endorsed by the Threatened Species Scientific Committee on 3 March 2015 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 National Recovery Plan for the Regent Honeyeater.

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