**EXPLANATORY STATEMENT**

**(Issued under the Authority of the Minister for the Environment and Energy)**

***Environment Protection and Biodiversity Conservation Act 1999* (Cth)**

**Instrument Jointly Making a Recovery Plan**

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.

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

Section 269A(3) 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 jointly with one or more of the States and self-governing Territories in which the species or community occurs, or with agencies of one or more of those States and Territories.

The purpose of this instrument is to jointly make, with the New South Wales Minister for the Environment, Minister for Local Government and Minister for Heritage, and the Queensland Minister for Environment and Heritage Protection and Minister for National Parks and the Great Barrier Reef, the Recovery Plan for Marine Turtles in Australia for the following listed threatened species:

*Caretta caretta*

*Lepidochelys olivacea*

*Dermochelys coriacea*

*Chelonia mydas*

*Natator depressus*

*Eretmochelys imbricata*

The jointly made recovery plan replaces the recovery plan previously made under the EPBC Act by Environment Australia in 2003, entitled “Recovery Plan for Marine Turtles in Australia”.

**Jointly making the Recovery Plan for Marine Turtles in Australia**

This recovery plan meets the requirements of section 270 of the EPBC Act and section 7.11 of the *Environment Protection and Biodiversity Conservation Regulations 2000* (Cth). It sets out the research and management actions necessary to stop the decline of, and support the recovery of marine turtles throughout their 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 30 September 2016 until 13 January 2017. 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 and Energy. As per section 276 of the EPBC Act, all comments were considered in making the recovery plan.

This instrument is a legislative instrument for the purposes of the *Legislation Act 2003* (Cth). The Recovery Plan for Marine Turtles in Australia was made on the day the Instrument was signed by the Commonwealth Minister for the Environment and Energy and comes into force on the day after it is registered on the Federal Register of Legislation.

Authority: Section 269A(3) 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 Marine Turtles in Australia**

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 jointly make the Recovery Plan for Marine Turtles in Australia (the recovery plan). The recovery plan establishes a national framework to guide and coordinate the recovery of the endangered loggerhead (*Caretta caretta*), olive ridley (*Lepidochelys olivacea*), leatherback (*Dermochelys coriacea*), and vulnerable green (*Chelonia mydas*), flatback (*Natator depressus*) and hawksbill (*Eretmochelys imbricata*) turtles throughout Australia. The recovery plan identifies research and management priorities necessary to assist the long-term recovery of these species. Under the *Environment Protection and Biodiversity Conservation Act 1999* (the EPBC Act) it is an offence to kill, injure, take, trade, keep or move members of these species in or on a Commonwealth area (s196).

The recovery plan 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 recovery plan was opened to public consultation on 30 September 2016 for a period of three months and the final version of the plan was endorsed by the Threatened Species Scientific Committee on 10 February 2017 before being jointly made by the Commonwealth, New South Wales and Queensland Environment Ministers.

The conventions listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011* were considered in the preparation of the recovery plan.

**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.

**Josh Frydenberg MP, Commonwealth Minister for the Environment and Energy**

**Steven Miles MP, Queensland Minister for Environment and Heritage Protection, Minister for National Parks and the Great Barrier Reef**

**Gabrielle Upton MP, New South Wales Minister for the Environment, Minister for Local Government and Minister for Heritage**