

EXPLANATORY STATEMENT

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

Environment Protection and Biodiversity Conservation Act 1999

Instrument Adopting Recovery Plan

The *Environment Protection and Biodiversity Conservation Act 1999* (the 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 Act provides for the making, or adoption, of recovery plans for listed threatened species or ecological communities, which bind the Commonwealth and Commonwealth agencies.

Subsection 269A(7) of the Act enables the Minister, by instrument in writing, to adopt as a recovery plan for a listed threatened species or ecological community, 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 ‘Recovery plan for the boggomoss snail *Adclarkia dawsonensis*’ (the adopted plan) prepared by the Queensland Department of Environment and Heritage Protection, as the national recovery plan for the listed threatened *Adclarkia dawsonensis*.

The adopted plan provides for the research and management actions necessary to stop the decline of, and support the recovery of, the species listed above, in order to maximise its chances of long-term survival in nature. The species is endemic to Queensland, and the recovery plan covers the full range of each species.

The boggomoss snail is found in a very restricted distribution along a distance of 90km of the Dawson River at sites found between Mt Rose near Taroom and south of Theodore and within 2km of the river. The snail is subject to a range of known and potential threats including: flooding, inappropriate fire regimes, clearing of vegetation, firewood collection, changes to hydrology, weeds, inappropriate grazing regimes, impacts from feral animals, and climate change.

This is a revised national recovery plan for the boggomoss snail. The recovery plan replaces the previous ‘Recovery Plan for the Boggomoss Snail *Adclarkia dawsonensis*’ which was adopted under the EPBC Act in 2008.

Subsection 277(1) of the Act provides that the Minister must not adopt a recovery plan under subsection 269A(7) unless:

- the Minister is satisfied that an appropriate level of consultation has been undertaken in making the plan; and
- the plan meets the requirements of section 270 of the Act.

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*. Details of how the adopted plan complies with section 270 of the Act are set out in **Attachment A** below.

The Minister was satisfied that an appropriate level of consultation was undertaken in the preparation of the adopted plan. A draft of the adopted plan was placed on public exhibition by the Queensland Department of Environment and Heritage Protection (DEHP) on its website and comments were invited from the public. A link to the Queensland website was also provided on the Australian Government Department of Environment and Energy's website. A total of four submissions were received and comments were taken into account by the Queensland DEHP in finalising the plan.

The adopted plan has been endorsed by the State in which the boggomoss snail occurs.

In accordance with subsection 277(2) of the Act, the advice of the Threatened Species Scientific Committee was obtained on the content of the recovery plan, and considered by the Minister before adopting the plan.

The adopted plan is available from the Australian Government Department of the Environment and Energy website:
<http://www.environment.gov.au/cgi-bin/sprat/public/publicshowallrps.pl>
and from the Community Information Unit, Department of the Environment and Energy, GPO Box 787, Canberra ACT 2601 or by phoning on 1800 803 772.

This Instrument is a legislative instrument for the purposes of the *Legislation Act 2003*.

The recovery plan comes into force on the day after it is registered on the Federal Register of Legislation.

Authority: Section 269A(7) of the *Environment Protection and Biodiversity Conservation Act 1999*.

Statement of Compatibility with Human Rights

Prepared in accordance with Part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011

Instrument Adopting Recovery Plans

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 adopt the ‘Recovery plan for the boggomoss snail *Adclarkia dawsonensis*’, prepared by the Queensland Department of Environment and Heritage Protection. This adopted plan provides for the research and management action necessary to stop the decline of, and support the recovery of, the listed threatened boggomoss snail under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), in order to maximise its chances of long-term survival in the wild.

The adopted recovery plan replaces the previous ‘Recovery Plan for the Boggomoss Snail *Adclarkia dawsonensis*’ which was adopted under the EPBC Act in 2008.

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.

Minister for the Environment and Energy

Meeting the requirements of section 270 of the EPBC Act

Section 270 of the *Environment Protection and Biodiversity Conservation Act 1999* (the Act) specifies the content requirements for recovery plans. The Minister cannot adopt a State or Territory plan as a recovery plan, unless the plan meets the requirements of section 270.

The Department of the Environment and Energy and the Threatened Species Scientific Committee assessed the adopted plan and both concluded that it complies with the requirements of section 270 of the Act.

Section 270 (1) of the Act provides that a recovery plan must provide for the research and management actions necessary to stop the decline of, and support the recovery of, the listed threatened species concerned so that their long-term chances of survival in the wild are maximised. The adopted plan was assessed as compliant in this respect. The adopted plan provides an appropriate balance between identified research actions necessary to better understand the ecological requirements of the species, and management actions necessary to deal with the known threats and improve the species' prospects of survival.

Section 270(2) of the Act provides that a recovery plan must particularly include the material specified in that subsection. The adopted plan states the:

- (a) objectives to be achieved;
- (b) criteria against which achievement of the objectives are to be measured
- (c) actions needed to achieve the objectives; and
- (ca) the threats to the species.

The adopted plan was assessed as compliant in respect of paragraphs (a), (b) and (c) and (ca) of section 270(2) of the Act.

Section 270(2A) of the Act provides that a recovery plan is only required to address certain matters identified in section 270(2) to the extent it is practicable to do so.

This includes:

- (d) identifying habitats critical to survival of the species;
- (e) identifying populations under particular pressure of survival and the actions needed to protect those habitats;
- (f) stating the estimated duration and cost of the recovery process;
- (g) identifying interests that will be affected by the plan's implementation, and organisations or persons who will be involved in evaluating the performance of the recovery plan; and
- (h) specifying major benefits to other native species or ecological communities that will be affected by implementation of the plan.

These items are addressed in the plan to the extent practicable and where information is readily available. Where information is not available, additional actions have been incorporated into the plan for it to be obtained.