

# EXPLANATORY STATEMENT

*Environment Protection and Biodiversity Conservation Act 1999*

## **Environment Protection and Biodiversity Conservation (Recovery Plan—(*Perameles gunnii* (Victorian subspecies)) Instrument 2021**

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

The *Environment Protection and Biodiversity Conservation Act 1999* (**Act**) provides for the protection of the environment and conservation of biodiversity, including the protection and conservation of threatened species and ecological communities.

### **Legislative Authority**

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.

Section 269A(7) of the Act provides that the Minister may, by instrument in writing, 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.

### **Purpose of the Instrument**

The purpose of this instrument is to adopt the ‘National Recovery Plan for the Mainland Eastern Barred Bandicoot *Perameles gunnii* Victorian subspecies prepared by the Victorian Department of the Environment, Land, Water and Planning as the recovery plan for the following listed threatened species: *Perameles gunnii* Victorian subspecies.

*Perameles gunnii* (Victorian subspecies) is listed in the Endangered category in the List of threatened species under section 178 of the Act.

The adopted Recovery Plan provides for the research and management actions necessary to stop the decline of, and support the recovery of, the Mainland Eastern Barred Bandicoot (Victorian subspecies) in order to maximise its chances of long-term survival in nature. The subspecies is presumed extinct in the wild, and now survives in three reintroduced populations and three introduced island populations in Victoria. The key threats to Mainland Eastern Barred Bandicoot (Victorian subspecies) include introduced predators, impacts from drought and climate change, habitat loss or modification, and loss of genetic diversity.

This is a national recovery plan for the Mainland Eastern Barred Bandicoot (Victorian subspecies), which carries on the function of the previous plan entitled: *Hill, R., Winnard, A. and Watson, M. (2010). National recovery plan for the Eastern Barred Bandicoot (mainland)*

*Perameles gunnii* unnamed subspecies. Department of Sustainability and Environment, Melbourne, that was adopted under the Act in 2011.

## Consultation

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.

Public comment was invited on the draft Recovery Plan. A notice inviting comments on the Recovery Plan was advertised in the *Gazette*, *The Australian* newspaper and on the website of the Australian Government Department of Agriculture, Water and the Environment. No submissions were received on the draft Recovery Plan.

The Recovery Plan has been endorsed by Victoria, the State in which the relevant subspecies occurs. As a reintroduced subspecies, the Mainland Eastern Barred Bandicoot does not occur outside of Victoria or on any Commonwealth land, and therefore consultation with other State or Australian Government agencies has not been undertaken.

The Minister was satisfied that an appropriate level of consultation was undertaken in the preparation of the Recovery Plan in accordance with section 277 of the Act.

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

Section 270 of the Act and regulation 7.11 of the *Environment Protection and Biodiversity Conservation Regulations 2000 (Regulations)* requires that recovery plans include certain content, such as stating the objectives of the plan and specifying the actions needed to achieve the objectives. The Recovery Plan contains the content prescribed under the Act and the Regulations.

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

The Recovery Plan is available from the Australian Government Department Agriculture, Water and the Environment web site:

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

and from the Community Information Unit, Department of Agriculture, Water and the Environment, GPO Box 858, Canberra ACT 2601 or by phoning 1800 803 772.

## **Commencement**

This Instrument commences on the day after it is registered on the Federal Register of Legislation and is a legislative instrument for the purposes of the *Legislation Act 2003*.

This Instrument is compatible with the human rights and freedoms recognised or declared under section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*. A full statement of compatibility is set out below.

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*

### **Environment Protection and Biodiversity Conservation (Recovery Plan—(*Perameles gunnii* (Victorian subspecies)) Instrument 2021**

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 Instrument is to adopt the ‘National Recovery Plan for the Mainland Eastern Barred Bandicoot *Perameles gunnii* Victorian subspecies’, prepared by the Victorian Department of the Environment, Land, Water and Planning (**adopted plan**). The adopted plan provides for the research and management actions necessary to stop the decline of, and support the recovery of the Mainland Eastern Barred Bandicoot listed as threatened under the *Environment Protection and Biodiversity Conservation Act 1999*, in order to maximise its chances of long-term survival in nature.

#### **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.

**The Hon Sussan Ley MP**

**Minister for the Environment**

## **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 Agriculture, Water and the Environment, and the Threatened Species Scientific Committee assessed the adopted plan and both concluded that it complies with the requirements of section 270 of the EPBC 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 subspecies 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 subspecies, and management actions necessary to deal with the known threats and improve the subspecies' 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.