

## EXPLANATORY STATEMENT

### *Environment Protection and Biodiversity Conservation Act 1999*

#### Revoking and Adoption of State or Territory Plans as Recovery Plans

(Issued under the Authority of the Minister for Environment Protection, Heritage and the Arts)

The *Environment Protection and Biodiversity Conservation Act 1999* (the Act) places certain obligations on the Commonwealth to protect and conserve threatened species and ecological communities.

Subsection 269A(7) of the Act enables the Minister, by instrument in writing, to adopt as a recovery plan, a plan made by a State, a self-governing Territory or an agency of a State or self-governing Territory.

Subsection 33(3) of the *Acts Interpretation Act 1901* provides that where an Act confers a power to make, grant or issue any instrument (including rules, regulations or by-laws) the power shall, unless the contrary intention appears, be construed as including a power exercisable in the like manner and subject to the like conditions (if any) to repeal, rescind, revoke, amend, or vary any such instrument.

The purpose of this instrument is to:

- (a) Revoke the following recovery plans (the superseded plans):
  1. Robertson, P. & Cooper, P. (2000). Recovery plan for the Grassland Earless Dragon *Tympanocryptis pinguicolla* 2000–2004. Unpublished report to Environment Australia, Canberra (adopted on 5 October 2001); and
  2. Coates, F. (2000). Recovery Plan 2001-2005 - *Borya mirabilis* Churchill (Grampians Pincushion Lily). School of Botany, La Trobe University, Victoria. (adopted on 9 March 2001).
- (b) Adopt the following recovery plans (the adopted plans):
  - (i) Prepared by the Australian Capital Territory:
    1. *Caladenia actensis* Canberra Spider-orchid recovery plan
    2. *Corunastylis ectopa* Brindabella Midge-orchid recovery plan
    3. *Tympanocryptis pinguicolla* Grassland Earless Dragon recovery plan
  - (ii) Prepared by New South Wales:
    4. *Acacia terminalis* subsp. *terminalis* Sunshine Wattle recovery plan
    5. *Calotis moorei* Moore's Burr-daisy recovery plan
    6. *Melaleuca deanei* Deane's Paperbark recovery plan
    7. *Pomaderris cotoneaster* Cotoneaster Pomaderris recovery plan
  - (iii) Prepared by Queensland:
    8. *Turnix olivii* Buff-breasted Button-quail recovery plan

- (iv) Prepared by South Australia:
  - 9. *Dodonaea subglandulifera* Peep Hill Hop-bush recovery plan
  - 10. *Euphrasia collina* subsp. *osbornii* Osborn's Eyebright recovery plan
  - 11. *Prostanthera eurybioides* Monarto Mintbush recovery plan
  
- (v) Prepared by Victoria:
  - 12. *Asplenium hookerianum* Maidenhair Spleenwort recovery plan
  - 13. *Asterolasia phebaliioides* Downy Star-bush recovery plan
  - 14. *Borya mirabilis* Grampians Pincushion-lily recovery plan
  - 15. *Brachyscome muelleroides* Mueller Daisy recovery plan
  - 16. *Caladenia tessellata* Thick-lip Spider-orchid recovery plan
  - 17. *Dodonaea procumbens* Trailing Hop-bush recovery plan
  - 18. *Ixodia achillaeoides* subsp. *arenicola* Sand Ixodia recovery plan
  - 19. *Lepidium aschersonii* Spiny Pepper-cress recovery plan
  - 20. *Lepidium hyssopifolium* Basalt Pepper-cress recovery plan
  - 21. *Lepidium monoplacoides* Winged Pepper-cress recovery plan
  - 22. *Maireana cheelii* Chariot Wheels recovery plan
  - 23. *Phebalium lowanense* Lowan Phebalium recovery plan
  - 24. *Prasophyllum correctum* Gaping Leek-orchid recovery plan
  - 25. *Prasophyllum frenchii* Maroon Leek-orchid recovery plan
  - 26. *Prasophyllum spicatum* Dense Leek-orchid recovery plan
  - 27. *Prasophyllum validum* Sturdy Leek-orchid recovery plan
  - 28. *Pterostylis xerophila* Desert Greenhood recovery plan
  - 29. *Sclerolaena napiformis* Turnip Copperbur recovery plan
  - 30. *Senecio macrocarpus* Large-fruit Groundsel recovery plan
  - 31. *Swainsona plagiotropis* Red Swainson-pea recovery plan
  - 32. *Swainsona pyrophila* Yellow Swainson-pea recovery plan
  - 33. *Thelymitra matthewsii* Spiral Sun-orchid recovery plan
  
- (vi) Prepared by Western Australia:
  - 34. *Caladenia caesarea* subsp. *maritima* Cape Spider-orchid recovery plan
  - 35. *Eremophila resinosa* Resinous Eremophila recovery plan

The adopted plans provide for the research and management actions necessary to stop the decline of, and support the recovery of, the listed threatened species in order to maximise their chances of long-term survival in nature.

Before the Minister may adopt a recovery plan under subsection 269A(7) of the Act, subsection 277(1) of the Act provides that the Minister must be satisfied that an appropriate level of consultation has been undertaken in making the plan and that the plan meets the requirements of section 270 of the Act. In addition subsection 277(2) of the Act requires the Minister to obtain and consider advice from the Scientific Committee on the content of the plan.

The adopted plans have been assessed and comply with section 270 of the Act and regulation 7.11 of the *Environment Protection and Biodiversity Conservation Regulations 2000*. In addition, the adopted plans were placed on public exhibition and comments were invited from the public. All comments were taken into account in making the decision to adopt the recovery plans under the Act.

In accordance with subsection 277(2) of the Act, the advice of the Threatened Species Scientific Committee was also obtained on the content of the recovery plans. The Committee advised that it recommends the plans for adoption by the Minister.

The adopted plans are available from the Australian Government Department of the Environment, Water, Heritage and the Arts website:  
<http://www.environment.gov.au/biodiversity/threatened/recovery-list-scientific.html>  
or from the Community Information Unit, Department of the Environment, Water, Heritage and the Arts, GPO Box 787, Canberra ACT 2601 or by phoning on 1800 803 772.

The instrument revoking and adopting the recovery plans is a legislative instrument for the purposes of the *Legislative Instruments Act 2003*.

The adopted plans commenced on the day after this instrument was registered on the Federal Register of Legislative Instruments. The revoking of the superseded plans took effect on the day after this instrument was registered on the Federal Register of Legislative Instruments.