

DEPARTMENT OF AGRICULTURE, WATER AND THE ENVIRONMENT

MS21-000570

To: Minister for the Environment (For Decision)

REVIEW OF RECOVERY PLAN DECISIONS – RECOMMENDATIONS FOR PROPOSED SUBSEQUENT RECOVERY PLAN DECISIONS, STAKEHOLDER ENGAGEMENT AND PUBLIC CONSULTATION PROCESS**Timing:** 7 May 2021 – to assist in the timely implementation of the proposed engagement activities.
RECEIVED
11 MAY 2021
 Ministerial Services
Recommendations:

1. Note the department and the Threatened Species Scientific Committee have reviewed the need for recovery plans for 811 threatened species and ecological communities.

Noted / Please discuss

2. Note the initial advice of the Threatened Species Scientific Committee that the 675 species and ecological communities at **Attachment A** are suitable for a proposed subsequent recovery plan decision to not have a recovery plan.

Noted / Please discuss**s. 22(1)(a)(ii)**

4. Agree to undergo a public consultation process starting 1 June 2021 on the proposed subsequent recovery plan decision to not have a recovery plan for the identified 675 threatened species and ecological communities, subject to feedback from initial stakeholder consultation.

Agreed / Not agreed**Minister:**

Date:**Comments:**

10/5/21

Clearing Officer: Sent: 30/04/2021	Ilona Stobutzki	Assistant Secretary, Protected Species and Communities	Ph: 6874 2531 Mob: s. 47F(1)
Contact Officer:	s. 22(1)(a)(ii)	Director, Terrestrial Threatened Species	Ph: s. 22(1)(a)(ii) Mob

Key Points:

1. Currently 914 listed threatened species and ecological communities are required to have a recovery plan in force under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). As part of the department's work to modernise conservation planning and address legacy and compliance issues, a systematic review of recovery plan decisions made prior to 2014 has been undertaken, covering 811 listed threatened species and ecological communities. The recent decisions to adopt or make a plan (in or since 2014), covering 103 entities will be reviewed at a later stage.
2. The Threatened Species Scientific Committee (the Committee) has reviewed the recovery plan decisions for 811 species and ecological communities, as described in the Chair's letter, dated 16 March 2021. The Committee is on the record as saying it supports more contemporary approaches to the conservation planning statutory toolbox, with greater use of conservation advices where they can deliver more responsive mechanisms in times of rapid environment change. Based on this approach and its review, the Committee's advice is that 625 species and 50 ecological communities are suitable for a proposed subsequent recovery plan decision to not have a recovery plan (**Attachment A**).
 - a. For each of these species and ecological communities, a conservation advice is proposed to provide a sufficient planning response to guide recovery. These conservation advices will be foundation documents if other planning tools are developed in the future, such as multi-species recovery plans or regional planning approaches.
3. The process for making a subsequent recovery plan decision for a species or ecological community is stipulated under s269AA of the EPBC Act **s. 22(1)(a)(ii)** In accordance with s269AA of the EPBC Act, you must:
 - a. ask the Threatened Species Scientific Committee for advice relating to the proposed decision.
 - b. publish a notice inviting public comments on the proposed decision for a minimum of 30 business days.
 - c. in deciding whether to make the proposed decision, take account of any advice provided by the Committee in relation to the proposed decision and any public comments received during the consultation period.
 - d. in making the subsequent recovery plan decision, publish the initial recovery plan decision and reasons for it and each subsequent recovery plan decision and the reasons for it.
4. The department is seeking your agreement to release the proposed subsequent recovery plan decisions for the identified 676 threatened species and ecological communities for public consultation.

s. 22(1)(a)(ii)

11. Following public consultation, all comments received will be provided to the Committee for consideration in preparing their final advice to you on the subsequent recovery plan decision. The department will brief you with the Committee's final advice and the outcomes of the public consultation to assist you in making the subsequent recovery plan decision.

Sensitivities and Handling

12. The department and Committee have been considering approaches to modernise national conservation planning for several years and subsequent decisions have already been made for some species and ecological communities. However, some stakeholders hold concerns that may become acute with the proposed large number of decisions. There is a risk that a limited understanding of all the planning tools available under the EPBC Act and in the role of conservation advices may result in some stakeholders perceiving this as a weakening of national conservation planning. s. 22(1)(a)(ii)
- s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

Background

14. When the EPBC Act came into force in 2000, all listed threatened species and ecological communities were required to have a recovery plan in place, regardless of the conservation planning needs of the entity.
15. In 2007, EPBC Act amendments removed the mandatory requirement for all species and ecological communities to have a recovery plan and incorporated a requirement for all newly listed entities to have an approved conservation advice in place. Since these amendments, the Minister can decide whether a listed species / ecological community also requires a recovery plan. At the time of the amendments, all entities that either had a plan in force or in preparation were identified as requiring a recovery plan (*Environment and Heritage Legislation Amendment Act (No. 1) 2006* - 'Commenced List') without an individual assessment of the need for a recovery plan for the entities. These 'Commenced List' entities account for almost half of the total number of species or ecological communities that currently require a plan.

s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

Consultation

s. 22(1)(a)(ii)

Attachments:

- A:** List of entities for proposed subsequent recovery plan decision under EPBC Act
s.269AA(5)

s. 22(1)(a)(ii)

ATTACHMENT A

List of entities for proposed subsequent recovery plan decision under EPBC Act s.269AA(5)

Ecological communities (50 total)

No.	Ecological community
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s. 22(1)(a)(ii)

6.	Arnhem Plateau Sandstone Shrubland Complex
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s. 22(1)(a)(ii)

8.	Blue Gum High Forest of the Sydney Basin Bioregion
9.	Brigalow (<i>Acacia harpophylla</i> dominant and co-dominant)
10.	Broad leaf tea-tree (<i>Melaleuca viridiflora</i>) woodlands in high rainfall coastal north Queensland

s. 22(1)(a)(ii)

12.	Castlereagh Scribbly Gum and Agnes Banks Woodlands of the Sydney Basin
13.	Cooks River/Castlereagh Ironbark Forest of the Sydney Basin Bioregion
14.	Coolibah – Black Box Woodlands of the Darling Riverine Plains and the Brigalow Belt South Bioregions

s. 22(1)(a)(ii)

17.	Cumberland Plain Shale Woodlands and Shale-Gravel Transition Forest
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s. 22(1)(a)(ii)

21.	Giant Kelp Marine Forests of South East Australia
22.	Gippsland Red Gum (<i>Eucalyptus tereticornis</i> subsp. <i>mediana</i>) Grassy Woodland and Associated Native Grassland
23.	Grassy Eucalypt Woodland of the Victorian Volcanic Plain
24.	Grey Box (<i>Eucalyptus microcarpa</i>) Grassy Woodlands and Derived Native Grasslands of South-eastern Australia

s. 22(1)(a)(ii)

26.	Kangaroo Island Narrow-leaved Mallee (<i>Eucalyptus cneorifolia</i>) Woodland
27.	Lowland Native Grasslands of Tasmania
28.	Monsoon vine thickets on the coastal sand dunes of Dampier Peninsula
29.	Natural Grasslands of the Murray Valley Plains
30.	Natural Grasslands of the Queensland Central Highlands and northern Fitzroy Basin
31.	Natural grasslands on basalt and fine-textured alluvial plains of northern New South Wales and southern Queensland
32.	Natural Temperate Grassland of the South Eastern Highlands
33.	Natural Temperate Grassland of the Victorian Volcanic Plain
34.	New England Peppermint (<i>Eucalyptus nova-anglica</i>) Grassy Woodlands
35.	Scott River Ironstone Association
36.	Seasonal Herbaceous Wetlands (Freshwater) of the Temperate Lowland Plains

s. 22(1)(a)(ii)

39.	Shale Sandstone Transition Forest of the Sydney Basin Bioregion
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s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

45. | Subtropical and Temperate Coastal Saltmarsh

s. 22(1)(a)(ii)

47. | Turpentine-Ironbark Forest of the Sydney Basin Bioregion

48. | Weeping Myall Woodlands

49. | Western Sydney Dry Rainforest and Moist Woodland on Shale

s. 22(1)(a)(ii)

Species (625 total)

No.	Scientific name	Common name
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s. 22(1)(a)(ii)

52. | *Acacia ataxiphylla* subsp. *magna* | Large-fruited Tammin Wattle

s. 22(1)(a)(ii)

55. | *Acacia bynoeana* | Bynoe's Wattle, Tiny Wattle

s. 22(1)(a)(ii)

59.	<i>Acacia cretacea</i>	Chalky Wattle
60.	<i>Acacia enterocarpa</i>	Jumping-jack Wattle
61.	<i>Acacia glandulicarpa</i>	Hairy-pod Wattle
62.	<i>Acacia imitans</i>	Gibson Wattle

s. 22(1)(a)(ii)

70. | *Acacia phasmoides* | Phantom Wattle

s. 22(1)(a)(ii)

72. | *Acacia pinquifolia* | Fat-leaved Wattle

s. 22(1)(a)(ii)

75. | *Acacia retinocarpa* | Neat Wattle, Resin Wattle

s. 22(1)(a)(ii)

78.	<i>Acacia splendens</i>	Splendid Wattle, Dandaragan Wattle
79.	<i>Acacia subflexuosa</i> subsp. <i>capillata</i>	Hairy-stemmed Zig-zag Wattle

s. 22(1)(a)(ii)

82.	<i>Acacia vassalii</i>	Vassal's Wattle
83.	<i>Acacia volubilis</i>	Tangled Wattle, Tangle Wattle

No.	Scientific name	Common name
84.	<i>Acacia whibleyana</i>	Whibley Wattle

s. 22(1)(a)(ii)

100.	<i>Anous tenuirostris melanops</i>	Australian Lesser Noddy
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s. 22(1)(a)(ii)

102.	<i>Aprasia parapulchella</i>	Pink-tailed Worm Lizard, Pink-tailed Legless Lizard
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s. 22(1)(a)(ii)

106.	<i>Aristida annua</i>	
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s. 22(1)(a)(ii)

110.	<i>Asterolasia elegans</i>	
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s. 22(1)(a)(ii)

112.	<i>Azorella macquariensis</i>	Macquarie Cushions
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113.	<i>Balaenoptera borealis</i>	Sei Whale
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114.	<i>Balaenoptera physalus</i>	Fin Whale
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s. 22(1)(a)(ii)

118.	<i>Banksia ionthocarpa</i>	Kamballup Dryandra
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s. 22(1)(a)(ii)

123.	<i>Banksia squarrosa</i> subsp. <i>argillacea</i>	Whicher Range Dryandra
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s. 22(1)(a)(ii)

131.	<i>Bidyanus bidyanus</i>	Silver Perch, Bidyan
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s. 22(1)(a)(ii)

No.	Scientific name	Common name
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s. 22(1)(a)(ii)

139.	<i>Brachyscome muelleri</i>	Corunna Daisy
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s. 22(1)(a)(ii)

141.	<i>Burmannia</i> sp. Bathurst Island (R.Fensham 1021)	
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s. 22(1)(a)(ii)

144.	<i>Caladenia arenaria</i>	Sand-hill Spider-orchid
145.	<i>Caladenia argocalla</i>	White-beauty Spider-orchid

s. 22(1)(a)(ii)

147.	<i>Caladenia behrii</i>	Pink-lipped Spider-orchid
148.	<i>Caladenia brumalis</i>	Winter Spider-orchid

s. 22(1)(a)(ii)

152.	<i>Caladenia colorata</i>	Coloured Spider-orchid, Small Western Spider-orchid, Painted spider-orchid
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s. 22(1)(a)(ii)

154.	<i>Caladenia cremna</i>	Don's Spider Orchid
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s. 22(1)(a)(ii)

159.	<i>Caladenia gladiolata</i>	Bayonet Spider-orchid, Clubbed Spider-orchid
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s. 22(1)(a)(ii)

163.	<i>Caladenia intuta</i>	Ghost Spider-orchid
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s. 22(1)(a)(ii)

165.	<i>Caladenia macroclavia</i>	Large-club Spider-orchid
166.	<i>Caladenia melanema</i>	Ballerina Orchid

s. 22(1)(a)(ii)

170.	<i>Caladenia rigida</i>	Stiff White Spider-orchid
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s. 22(1)(a)(ii)

180.	<i>Caladenia woolcockiorum</i>	Woolcock's Spider-orchid
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s. 22(1)(a)(ii)

182.	<i>Caladenia xantholeuca</i>	White Rabbits, Flinders Ranges White Caladenia
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No.	Scientific name	Common name
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s. 22(1)(a)(ii)

191.	<i>Calyptorhynchus lathamii halmaturinus</i>	Glossy Black-cockatoo (Kangaroo Island), Glossy Black-cockatoo (South Australian)
s. 22(1)(a)(ii)		
193.	<i>Calytrix breviseta</i> subsp. <i>breviseta</i>	Swamp Starflower
s. 22(1)(a)(ii)		
196.	<i>Chalcophaps indica natalis</i>	Emerald Dove (Christmas Island)

s. 22(1)(a)(ii)

208.	<i>Conospermum densiflorum</i> subsp. <i>unicephalum</i>	One-headed Smokebush
209.	<i>Conostylis dielsii</i> subsp. <i>teres</i>	Irwin's Conostylis
210.	<i>Conostylis micrantha</i>	Small-flowered Conostylis

s. 22(1)(a)(ii)

220.	<i>Cryptoblepharus egeriae</i>	Christmas Island Blue-tailed Skink
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s. 22(1)(a)(ii)

223.	<i>Cyclodomorphus praealtus</i>	Alpine She-oak Skink
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s. 22(1)(a)(ii)

226.	<i>Cyrtodactylus sadleiri</i>	Christmas Island Giant Gecko
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No.	Scientific name	Common name
227.	<i>Daphnandra johnsonii</i>	Illawarra Socketwood

s. 22(1)(a)(ii)

236.	<i>Davidsonia jerseyana</i>	Davidson's Plum
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s. 22(1)(a)(ii)

238.	<i>Daviesia bursarioides</i>	Three Springs Daviesia
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s. 22(1)(a)(ii)

242.	<i>Daviesia microcarpa</i>	Norseman Pea
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243.	<i>Delma impar</i>	Striped Legless Lizard, Striped Snake-lizard
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s. 22(1)(a)(ii)

246.	<i>Dichanthium queenslandicum</i>	King Blue-grass
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s. 22(1)(a)(ii)

255.	<i>Drummondita ericoides</i>	Morseby Range Drummondita
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s. 22(1)(a)(ii)

258.	<i>Eidothea hardeniana</i>	Nightcap Oak
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s. 22(1)(a)(ii)

No.	Scientific name	Common name
s. 22(1)(a)(ii)		
279.	<i>Eremophila denticulata</i> subsp. <i>trisulcata</i>	Cumquat Eremophila
280.	<i>Eremophila koobabbiensis</i>	Koobabbie Eremophila, Koobabbie Poverty Bush

s. 22(1)(a)(ii)

295.	<i>Eucalyptus benthamii</i>	Camden White Gum, Nepean River Gum
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s. 22(1)(a)(ii)

298.	<i>Eucalyptus crucis</i> subsp. <i>praecipua</i>	Paynes Find Mallee
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s. 22(1)(a)(ii)

300.	<i>Eucalyptus dolorosa</i>	Dandaragan Mallee, Mount Misery Mallee
301.	<i>Eucalyptus impensa</i>	Eneabba Mallee
302.	<i>Eucalyptus leprophloia</i>	Scaly Butt Mallee, Scaly-butt Mallee

s. 22(1)(a)(ii)

305.	<i>Eucalyptus parramattensis</i> subsp. <i>decadens</i>	Earp's Gum, Earp's Dirty Gum
306.	<i>Eucalyptus recurva</i>	Mongarlowe Mallee
307.	<i>Eucalyptus rhodantha</i>	Rose Mallee

s. 22(1)(a)(ii)

310.	<i>Eucalyptus x balanites</i>	Cadda Road Mallee, Cadda Mallee
311.	<i>Eucalyptus x phylacis</i>	Meelup Mallee

s. 22(1)(a)(ii)

No.	Scientific name	Common name
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s. 22(1)(a)(ii)

325.	<i>Falcunculus frontatus whitei</i>	Crested Shrike-tit (northern), Northern Shrike-tit
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s. 22(1)(a)(ii)

339.	<i>Genoplesium baueri</i>	Brittle Midge-orchid, Bauer's Midge Orchid, Yellow Gnat-Orchid
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s. 22(1)(a)(ii)

342.	<i>Gentiana baeuerlenii</i>	Baeuerlen's Gentian
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s. 22(1)(a)(ii)

344.	<i>Geophaps smithii smithii</i>	Partridge Pigeon (Eastern)
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s. 22(1)(a)(ii)

353.	<i>Grevillea beadleana</i>	Beadle's Grevillea
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s. 22(1)(a)(ii)

No.	Scientific name	Common name
s. 22(1)(a)(ii)		

380.	<i>Halobaena caerulea</i>	Blue Petrel
381.	<i>Haloragis eyreana</i>	Prickly Raspwort

s. 22(1)(a)(ii)

383.	<i>Heleioporus australiacus</i>	Giant Burrowing Frog
384.	<i>Hemiandra gardneri</i>	Red Snakebush
385.	<i>Hemiandra rutilans</i>	Sargents Snakebush, Colourful Snakebush

s. 22(1)(a)(ii)

390.	<i>Hoplocephalus bungaroides</i>	Broad-headed Snake
391.	<i>Hoplogonus bornemisszai</i>	Bornemissza's Stag Beetle
392.	<i>Hoplogonus simsoni</i>	Simson's Stag Beetle
393.	<i>Hoplogonus vanderschoori</i>	Vanderschoor's Stag Beetle

s. 22(1)(a)(ii)

397.	<i>Irenepharsus trypherus</i>	Delicate Cress, Illawarra Irene
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s. 22(1)(a)(ii)

399.	<i>Isoodon auratus auratus</i>	Golden Bandicoot (mainland)
400.	<i>Isoodon obesulus obesulus</i>	Southern Brown Bandicoot (eastern), Southern Brown Bandicoot (south-eastern)

s. 22(1)(a)(ii)

417.	<i>Lepidium ginninderrense</i>	Ginninderra Peppercress
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s. 22(1)(a)(ii)

No.	Scientific name	Common name
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s. 22(1)(a)(ii)

421.	<i>Leucocarbo atriceps nivalis</i>	Imperial Shag (Heard Island), Heard Shag
422.	<i>Leucocarbo atriceps purpurascens</i>	Imperial Shag (Macquarie Island)

s. 22(1)(a)(ii)

424.	<i>Leucopatus anophthalmus</i>	Blind Velvet Worm
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s. 22(1)(a)(ii)

427.	<i>Leucopogon obtectus</i>	Hidden Beard-heath
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s. 22(1)(a)(ii)

429.	<i>Liopholis guthega</i>	Guthega Skink
430.	<i>Liopholis slateri slateri</i>	Slater's Skink, Floodplain Skink
431.	<i>Lissotes latidens</i>	Broad-toothed Stag Beetle, Wielangta Stag Beetle
432.	<i>Litoria aurea</i>	Green and Golden Bell Frog

s. 22(1)(a)(ii)

442.	<i>Litoria verreauxii alpina</i>	Alpine Tree Frog, Verreaux's Alpine Tree Frog
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s. 22(1)(a)(ii)

446.	<i>Maccullochella ikei</i>	Clarence River Cod, Eastern Freshwater Cod
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s. 22(1)(a)(ii)

450.	<i>Macroderma gigas</i>	Ghost Bat
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s. 22(1)(a)(ii)

463.	<i>Microtis angusii</i>	Angus's Onion Orchid
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No.	Scientific name	Common name
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s. 22(1)(a)(ii)

469.	<i>Muehlenbeckia tuggeranong</i>	Tuggeranong Lignum
470.	<i>Myriophyllum lapidicola</i>	Chiddarcooping Myriophyllum

s. 22(1)(a)(ii)

472.	<i>Myrsine richmondensis</i>	Purple-leaf Muttonwood, Lismore Muttonwood
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s. 22(1)(a)(ii)

482.	<i>Notomys aquilo</i>	Northern Hopping-mouse, Woorrentinta
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s. 22(1)(a)(ii)

488.	<i>Olearia pannosa</i> subsp. <i>pannosa</i>	Silver Daisy-bush, Silver-leaved Daisy, Velvet Daisv-bush
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s. 22(1)(a)(ii)

491.	<i>Ornduffia calthifolia</i>	Mountain Villarsia
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s. 22(1)(a)(ii)

494.	<i>Pachyptila turtur subantarctica</i>	Fairy Prion (southern)
495.	<i>Papasula abbotti</i>	Abbott's Booby

s. 22(1)(a)(ii)

497.	<i>Parantechinus apicalis</i>	Dibbler
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s. 22(1)(a)(ii)

500.	<i>Patersonia spirifolia</i>	Spiral-leaved Patersonia
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s. 22(1)(a)(ii)

507.	<i>Petrogale persephone</i>	Proserpine Rock-wallaby
508.	<i>Phascogale calura</i>	Red-tailed Phascogale, Red-tailed Wambenger, Kenngoor

s. 22(1)(a)(ii)

511.	<i>Pherosphaera fitzgeraldii</i>	Dwarf Mountain Pine
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No.	Scientific name	Common name
512.	<i>Philotheca basistyla</i>	White-flowered Philotheca

s. 22(1)(a)(ii)

518.	<i>Pleuropappus phyllocalymmeus</i>	Silver Candles
519.	<i>Pneumatopteris truncata</i>	fern

s. 22(1)(a)(ii)

522.	<i>Pomaderris brunnea</i>	Rufous Pomaderris, Brown Pomaderris
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s. 22(1)(a)(ii)

534.	<i>Prasophyllum petilum</i>	Tarengo Leek Orchid
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s. 22(1)(a)(ii)

540.	<i>Prostanthera calycina</i>	West Coast Mintbush, Limestone Mintbush, Red Mintbush
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s. 22(1)(a)(ii)

550.	<i>Pseudomys shortridgei</i>	Heath Mouse, Dayang, Heath Rat
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s. 22(1)(a)(ii)

554.	<i>Pterodroma arminjoniana</i>	Round Island Petrel, Trinidad Petrel
555.	<i>Pterodroma heraldica</i>	Herald Petrel

s. 22(1)(a)(ii)

557.	<i>Pterodroma mollis</i>	Soft-plumaged Petrel
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s. 22(1)(a)(ii)

559.	<i>Pteropus conspicillatus</i>	Spectacled Flying-fox
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No.	Scientific name	Common name
560.	<i>Pteropus natalis</i>	Christmas Island Flying-fox, Christmas Island Fruit-bat
s. 22(1)(a)(ii)		
562.	<i>Pterostylis bryophila</i>	Hindmarsh Valley Greenhood

s. 22(1)(a)(ii)

568.	<i>Pterostylis lepida</i>	Halbury Greenhood
569.	<i>Pterostylis mirabilis</i>	Nodding Rufoushood
570.	<i>Pterostylis oreophila</i>	Kiandra Greenhood, Blue-tongued Orchid
571.	<i>Pterostylis sinuata</i>	Northampton Midget Greenhood, Western Swan Greenhood

s. 22(1)(a)(ii)

576.	<i>Pultenaea</i> sp. Genowlan Point (NSW 417813)	Genowlan Point Pultenaea, Genowlan Pultenaea
577.	<i>Pultenaea trichophylla</i>	Tufted Bush-pea

s. 22(1)(a)(ii)

583.	<i>Rhincodon typus</i>	Whale Shark
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s. 22(1)(a)(ii)

587.	<i>Roycea pycnophylloides</i>	Saltmat
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s. 22(1)(a)(ii)

594.	<i>Sarcochilus weinthalii</i>	Blotched Sarcochilus, Weinthals Sarcanth
595.	<i>Sarcophilus harrisii</i>	Tasmanian Devil

s. 22(1)(a)(ii)

599.	<i>Selaginella andrewsii</i>	Tallebudgera Spikemoss
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s. 22(1)(a)(ii)

602.	<i>Sminthopsis butleri</i>	Butler's Dunnart
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s. 22(1)(a)(ii)

No.	Scientific name	Common name
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s. 22(1)(a)(ii)

608.	<i>Sterna vittata bethunei</i>	New Zealand Antarctic Tern, Antarctic Tern (New Zealand)
609.	<i>Sterna vittata vittata</i>	Antarctic Tern (Indian Ocean)

s. 22(1)(a)(ii)

611.	<i>Stipiturus malachurus parimeda</i>	Southern Emu-wren (Eyre Peninsula)
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s. 22(1)(a)(ii)

617.	<i>Symonanthus bancroftii</i>	Bancrofts Symonanthus
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s. 22(1)(a)(ii)

620.	<i>Synemon plana</i>	Golden Sun Moth
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s. 22(1)(a)(ii)

627.	<i>Tectaria devexa</i>	
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s. 22(1)(a)(ii)

635.	<i>Thesium australe</i>	Austral Toadflax, Toadflax
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s. 22(1)(a)(ii)

641.	<i>Turdus poliocephalus erythropleurus</i>	Christmas Island Thrush
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s. 22(1)(a)(ii)

644.	<i>Typhonium jonesii</i>	herb
645.	<i>Typhonium mirabile</i>	herb
646.	<i>Tyto novaehollandiae kimberli</i>	Masked Owl (northern)
647.	<i>Tyto novaehollandiae melvillensis</i>	Tiwi Masked Owl, Tiwi Islands Masked Owl

s. 22(1)(a)(ii)

No.	Scientific name	Common name
649.	<i>Verticordia fimbrialepis</i> subsp. <i>fimbrialepis</i>	Shy Featherflower
650.	<i>Verticordia hughanii</i>	Hughan's Featherflower
s. 22(1)(a)(ii) 652.	<i>Verticordia spicata</i> subsp. <i>squamosa</i>	Scaly-leaved Featherflower
653.	<i>Verticordia staminosa</i> var. <i>cylindracea</i>	Granite Featherflower

s. 22(1)(a)(ii)

657.	<i>Wurmbea tubulosa</i>	Long-flowered Nancy
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s. 22(1)(a)(ii)

662.	<i>Zieria baeuerlenii</i>	Bomaderry Zieria, Bomaderry Creek Zieria
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s. 22(1)(a)(ii)

664.	<i>Zieria citriodora</i>	Lemon-scented Zieria
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s. 22(1)(a)(ii)

668.	<i>Zieria granulata</i>	Hill Zieria, Hilly Zieria, Illawarra Zieria
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s. 22(1)(a)(ii)

674.	<i>Zieria prostrata</i>	Headland Zieria
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s. 22(1)(a)(ii)

DEPARTMENT OF AGRICULTURE, WATER AND THE ENVIRONMENT

MS21-005948

To: Minister for the Environment (For Noting)

TSSC ACTION PLAN - ONGOING MODERNISATION OF CONSERVATION PLANNING UNDER THE EPBC ACT

Timing: 8 September 2021 - to allow publication in conjunction with the proposed public consultation on subsequent recovery plan decisions on 10 September 2021.

Recommendations:

1. Note the Threatened Species Scientific Committee's Action Plan *Ongoing modernisation of conservation planning under the EPBC Act* (**Attachment A**).

Minister:


Noted / Please discuss

Date:

Comments:

2/9/21

Clearing Officer: Sent: 01/09/2021	Ilona Stobutzki	Assistant Secretary, Protected Species & Communities Branch	Ph: 02 6272 2531 Mob: s. 47F(1)
Contact Officer:	s. 22(1)(a)(ii)	Director, Terrestrial Threatened Species Section	Ph: s. 22(1)(a)(ii) Mob

Key Points:

1. The Threatened Species Scientific Committee's (Committee) Action Plan, *Ongoing Modernisation of Conservation Planning under the EPBC Act*, (the Plan) (**Attachment A**) sets out the Committee's approach to conservation planning. It identifies actions which the Committee is undertaking to ensure conservation planning remains fit-for-purpose, efficient and best practice. Importantly, the Plan provides the rationale, legal context and history for the review of recovery plan decisions. It provides the principles which the Committee used in its advice on which species and ecological communities were suitable for a proposed subsequent recovery plan decision (to not have a recovery plan).
2. The Committee's previous version of the Plan was sent to you on 16 March 2021, attached to a letter from the Committee Chair.
3. The Plan, and its proposed publication on the Committee's page of the department's website, was endorsed by the Committee out-of-session on 27 August 2021.

4. The Plan, particularly the principles and the rationale are important in communicating the basis for the proposed subsequent recovery plan decisions. The first tranche proposed decisions are anticipated to open for public consultation on 10 September 2021 (**MS21-003375**). The Plan will be published on the Committee's website in conjunction with the opening of the public comment period.

s. 22(1)(a)(ii)

Sensitivities and Handling

7. The previous version of the Plan was tabled in the response to the Question on Notice 23.

s. 22(1)(a)(ii)

Legal advice / Legislative impacts:

s. 42(1)

Financial impacts:

11. Nil

Attachments:

- A:** TSSC Action Plan: Ongoing modernisation of conservation planning under the EPBC Act.

THREATENED SPECIES SCIENTIFIC COMMITTEE

Established under the Environment Protection and Biodiversity Conservation Act 1999

Ongoing modernisation of conservation planning under the EPBC Act

Background

All listed threatened entities (species and ecological communities), other than species listed in the Extinct and Conservation Dependent categories, and ecological communities listed in the Vulnerable category, are Matters of National Environmental Significance under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). The EPBC Act provides a legal framework to protect and manage Matters of National Environmental Significance.

Statutory conservation plans are an important component of this legal framework. Where required, conservation plans are developed under the EPBC Act to provide guidance on the management and research actions to support the recovery of entities listed as threatened, including advice to those who seek: (1) to actively participate in their conservation and recovery, or (2) approval for their activities. Two types of statutory conservation plans can be developed under the EPBC Act: Conservation Advices, which have been available since 2007, and Recovery Plans, which have been available since the commencement of Commonwealth legislation in 2000 (see Appendix).

Conservation Advices have several advantages over Recovery Plans:

- They are approved under law from the time an entity is listed as threatened.
- They can be prepared quickly, updated easily and responsively as new information on status, threats and management scenarios relevant to the listed entity becomes available.
- They can act as source materials for other, more complex statutory planning documents such as multi-entity or regional recovery plans.

Similar to Recovery Plans, Conservation Advices:

- can be supported by Recovery Teams or other governance to coordinate implementation,
- inform assessment and approval processes¹ under the Act², and
- inform Australian Government investment in threatened entity conservation.³

¹ Environmental assessors are guided by the Significant Impact Guidelines <https://www.environment.gov.au/epbc/publications/significant-impact-guidelines-11-matters-national-environmental-significance>. The application of these guidelines is informed by all relevant conservation planning documents including both Conservation Advices and Recovery Plans.

² Including Regional Forest Agreements which consider both Conservation Advices and Recovery Plans

³ Priorities for investment are informed by a number of factors including the nature of threats and listing status irrespective of whether a species has a Recovery Plan or not.

Threatened Species Scientific Committee's role

Before approving any statutory conservation plan, the Minister must consult the Threatened Species Scientific Committee (henceforth the Committee).

In the development of Recovery Plans, the Committee provides advice to the Minister on the:

- need to have a Recovery Plan in addition to a Conservation Advice, whether this be initially (at the time of listing) or in a subsequent decision,
- the content of the Recovery Plan, and
- the time frame within which each Recovery Plans should be made⁴.

In giving this advice the Committee must take into account the following matters:

- the degree of threat to the survival in nature of the entity,
- the potential for the entity to recover,
- the genetic distinctiveness of the entity,
- the importance of the entity to the ecosystem,
- the value to humanity of the entity, and
- the efficient and effective use of the resources allocated to the conservation of the entity⁵.

Unlike Conservation Advices which are approved at the time of listing, Recovery Plans typically take several years to make, in part because of the statutory consultation times. If a Recovery Plan requires amendment, a new Plan must be made or the existing Plan varied, both time-consuming processes. In the last 10 years, the Committee has recommended that around 85% of newly-listed entities have a Conservation Advice but not a Recovery Plan and that both instruments be prepared for the remainder.

What is being done

The Committee is working with the department in progressing a strategic project to ensure every listed species and ecological community has a conservation plan in place that is fit-for-purpose and provides an efficient, best-practice method for conveying the recovery needs of that entity to all stakeholders.

The department is undertaking a formal review of all past decisions whether or not to have a Recovery Plan. The Committee is advising the Minister on the results of this review. Preliminary results of this review suggest that the proportion of already-listed entities that require a Recovery Plan will be similar to the proportion of newly-listed species that have been recommended to have a Recovery Plan in the last 10 years.

⁴ The EPBC Act specifies a timeframe of 3 years for a Recovery Plan to be in place from the time of the Minister's decision to have the Recovery Plan and which can be extended by a further 3 years by the Minister. In practice, the time to prepare a plan is typically between 2-5 years.

⁵ This section paraphrases the requirements specified in the EPBC Act s274(2)

Because a Conservation Advice is approved at, and is in force under law from the time of listing, it provides targeted and timely guidance to support recovery effort to all threatened species and ecological communities, especially those that are in the most urgent need of assistance. Listed entities with complex planning needs may continue to be best-served by Recovery Plans. Nonetheless, the conservation of most listed entities can be efficiently and effectively guided by a Conservation Advice .

For more details of the history of conservation planning under the EPBC Act and the legislative context, see Appendix A.

The goals of this work

- To ensure conservation plans are in place for all entities listed as threatened to guide recovery and restoration actions. These conservation plans will be a mix of Conservation Advices and Recovery Plans, to ensure the planning approach is efficient, flexible and fit-for-purpose.
- To ensure Recovery Plans and Conservation Advices continue to provide effective guidance for recovery.
- To systematically review all entities listed as threatened that currently have a decision to require or update a Recovery Plan, and apply contemporary decision making to ensure consistency across all Recovery Plan decisions.

Committee Principles

As a streamlined, nimble and cost-effective document for identifying the conservation needs and priority recovery actions, the Committee considers that a Conservation Advice is the most appropriate document for guiding the recovery of entities listed as threatened in many circumstances. Nonetheless, in addition to the statutory requirements listed above, when one or more of the following principles apply, the Committee may advise the Minister that a Recovery Plan for a single or multiple species or ecological community, or a geographic region, is required in *addition* to a Conservation Advice:

1. There are significant complexities in conservation planning that present special challenges for coordination of effort. This complexity can arise from:
 - the entity being subject to multiple, significant threats;
 - the range of the entity occurring across multiple state, territory or Commonwealth borders; across multiple land tenures; and/or across a high proportion of private land; or
 - there being large numbers, and/or diverse views, of stakeholders;
 - the entity being subject to high development pressure or other threats that can be regulated under the EPBC Act; and/or
2. The entity has significant occurrences on Commonwealth land or sea where the Commonwealth must implement a Recovery Plan to the extent that it applies (s269(1)).

Additionally, and in the case of a subsequent Recovery Plan decision, if the Committee considers that a Recovery Plan is no longer needed according to the principles above, a Recovery Plan may still be recommended in the case that:

3. There is an established Recovery Team⁶ coordinating the implementation of a Recovery Plan, who are willing to contribute to any reviews and updating of that Recovery Plan; and/or
4. A current advanced draft of a high-quality Recovery Plan is already available that demonstrably incorporates the views, and has the active support of a range of stakeholders.

The relative importance of each of these principles may differ for each entity and the Committee considers this aspect in formulating its advice.

Actions

The following actions are being undertaken by the Committee:

Recovery Plan decisions reviewed⁷

The Committee is working with the department to complete reviews of the Recovery Plan decisions for 811 legacy entities which pre-date contemporary conservation planning decision making (i.e., Recovery Plan decisions made before 2013) by March 2022.⁸

The Committee will advise the Minister on the most appropriate planning document to guide recovery for each reviewed entity.

After considering the advice of the Committee and the comments received during the public consultation period (process described in Appendix), the Minister may make a subsequent decision to no longer require a Recovery Plan for a threatened species or ecological community.

New Conservation Advices developed

The Committee is working with the department to prepare a Conservation Advice⁹ for approval by the Minister to guide recovery of legacy entities which do not have an approved Conservation Advice in place and where a decision is made to no longer require a Recovery Plan. The Committee aims to have over 200 Conservation Advices completed for such entities by the time that the relevant Recovery Plans sunset.

In providing Conservation Advices to the Minister, the Committee may include advice as appropriate on whether: (1) a Recovery Team or similar be formed to guide and coordinate implementation; (2) a Conservation Advice should subsequently inform other planning instruments such as a Bioregional Plan or a multi-entity Conservation Plan; and/or (3) a suggested date for the review of a Conservation Advice.

⁶ Recovery teams established under the Australian Government's [Recovery Team Governance - Best Practice Guidelines](#)

⁷ Work is well underway on this action

⁸ Decisions made after 2013, for 103 entities, will not be reviewed.

⁹ In practice, Conservation Advices are drafted by the department for the Committee to review and recommend for approval by the Minister.

New or revised Recovery Plans in place

Recovery Plans will continue to be developed for those entities that the Minister has determined require a new or revised Recovery Plan. The Committee will work with the department to complete new or revised Recovery Plans for priority listed entities in the next 12 months¹⁰.

Reporting framework progressed

A Recovery Team governance model to monitor conservation plan implementation, track progress and report on plan effectiveness is being progressively developed.

The Committee will work with the department and other stakeholders to further develop appropriate governance systems to track and report on the implementation of priority conservation plans.

Existing reporting mechanisms will be reviewed by December 2021.

Response to bushfires incorporated

In alignment with the Committee's 10-point Bushfire Response Plan, the Committee is working with the department to update Conservation Advices and Recovery Plans for the highest priority fire-affected species and ecological communities to include the impacts of, and management response to, the 2019-20 bushfires.

The Conservation Advices and Recovery Plans to be updated have been identified via a departmental review.

Multi-entity conservation plans

The benefits of multi-entity conservation plans include improved co-ordination, efficient use of scarce resources, and more effective stakeholder engagement, increasing the opportunity for improved and more enduring conservation outcomes.

The Committee will recommend thematic groupings of threatened species and ecological communities for inclusion in multi-entity conservation plans based on common threats and recovery needs.

Where appropriate, the Committee will also recommend combining Recovery Plans for threatened species and Wildlife Conservation Plans for listed migratory or marine species and cetaceans protected under the EPBC Act.

¹⁰ Including in 2021, Recovery Plans for the Koala, Swift Parrot, Australian Fairy Tern, Mahogany Glider, Australasian Bittern and Greater Bilby.

Future planning opportunities identified

A range of planning instruments is available under the EPBC Act, some of which have considerable potential but are under-utilised, for example Bioregional Plans. The 2019 Independent Review of the Act¹¹ recommended increased use of Bioregional Plans.

The Committee will identify opportunities for Conservation Advices, as source documents for future planning initiatives such as multi-entity Conservation Advices and Recovery Plans and Bioregional Plans.

Revision process developed for Conservation Advices

When this formal review is complete, the Committee will work with the department to develop a system under which Conservation Advices will be identified and prioritised for updating as required.

¹¹ <https://epbcactreview.environment.gov.au/>

APPENDIX A: Supplementary information

EPBC Act initial requirements

At the commencement of the EPBC Act in 2000, all Recovery Plans that were in force under the *Endangered Species Protection Act 1992* were continued as being in force and having effect for the EPBC Act (see the *Environmental Reform (Consequential Provisions) Act 1999*). In addition, on commencement, the EPBC Act required a Recovery Plan to be in place for all entities listed as threatened.

The timeframes for getting a Recovery Plan in place varied and were usually between 2 and 5 years, often depending upon the distribution of the entity listed as threatened (being fully or partially in or outside of a Commonwealth area) or upon the listed category (i.e., Critically Endangered, Endangered or Vulnerable) of the entity.

2007 Amendments

The 2007 amendments to the EPBC Act removed the mandatory requirement for all entities listed as threatened to have a Recovery Plan and incorporated a requirement for all such entities to have an approved Conservation Advice at all times (see section 266B(1)).

The amendments required the Minister to decide whether an entity listed as threatened also required a Recovery Plan, in addition to the Conservation Advice. At the time of the amendments, all entities that either had a plan in force or in preparation were identified as requiring a Recovery Plan (*Environment and Heritage Legislation Amendment Act (No. 1) 2006* - 'Commenced List') without an individual assessment of the need for a Recovery Plan for those entities. Those without a plan in force or in preparation were placed on the 'Not Commenced List' and the Committee was required to give the Minister advice on whether the species or ecological community required a Recovery Plan under section 269AA(1).

Transitional provisions¹² further provided that the requirements under 266B(1), which required all species and ecological communities to have a Conservation Advice, did not apply in relation to a species or community unless and until the Minister decided not to have a Recovery Plan under the amended EPBC Act. The effect of this transitional provision was that those species and communities that already had Recovery Plans in place or were deemed to require Recovery Plans would not also require Conservation Advices at the time the amended EPBC Act commenced.

The Minister, taking into account TSSC advice and public comments, can change the decision to require a Recovery Plan.

¹² (*Environment and Heritage Legislation Amendment Act (No.1) 2006* see para 15(4))

Legislation Act 2003

Legislative instruments for Recovery Plans sunset 10 years after taking effect. The *Legislation Act 2003* came into force in 2005. At the time instruments were registered to back-capture Recovery Plans that were adopted prior to 2005. As there were Recovery Plans in place at the time of the 2007 amendments to the EPBC Act, the entities concerned were exempt from needing a Conservation Advice. Now that the Recovery Plans instruments are sunset, a Conservation Advice is required for each of these entities to ensure that the Minister is not in breach of s266B.

While instruments sunset after 10 years, the decision to have a Recovery Plan remains under the EPBC Act.

The legacy of pre-2007 requirements

The legacy of pre-2007 requirements under the Act has left a current requirement for 914 listed entities to have Recovery Plans in place. Legislative instruments for Recovery Plans sunset (i.e., are no longer in force) 10 years after taking effect, unless they are remade¹³. The EPBC Act creates an obligation on the Minister to ensure that once a plan is made, it remains in force until a subsequent decision is made not to have a Recovery Plan, that is, Recovery Plans which sunset will need to be remade where there remains a decision of the Minister to have a Recovery Plan. This situation is providing an opportunity to replace Recovery Plans with more nimble and modern planning instruments, in the form of Conservation Advice if appropriate.

Current relevant statutory requirements

- All entities listed as threatened, other than species in the Extinct and Conservation Dependent categories and listed ecological communities in the Vulnerable category, are Matters of National Environmental Significance and protected under the Act, regardless of requirements for conservation plans.
- Recovery Plans must be reviewed by the Minister at least every 5 years (s279).
- The Commonwealth must implement a Recovery Plan or Threat Abatement Plan to the extent which it applies in Commonwealth areas (s269(1)).
- When making a decision on an action, the Minister must 'have regard to' an approved Conservation Advice for a species or ecological community that is likely to be impacted by the action and must 'not act inconsistently' with a Recovery Plan (s139).¹⁴

¹³ These time limits do not apply to Conservation Advices which are not legislative instruments

¹⁴ Environmental assessors are guided by the Significant Impact Guidelines <https://www.environment.gov.au/epbc/publications/significant-impact-guidelines-11-matters-national-environmental-significance>. The application of these guidelines is informed by all relevant conservation planning documents.

- All listed entities require a Conservation Advice unless they had a Recovery Plan in place prior to 2007. Entities can therefore require:
 - A Conservation Advice only (for those entities with a decision not to require a Recovery Plan);
 - A Recovery Plan only (for those entities with a Recovery Plan in force since prior to 2007);
 - Both a Conservation Advice and a Recovery Plan (for those entities listed after 2007 with a Ministerial decision to require a Recovery Plan).

Process for the review

For some entities, the review process will result in the recommendation to retain their Recovery Plan status (i.e., they will continue to either require a Plan or keep a current Plan in force).

For those that will have a subsequent decision (to not have a Recovery Plan), the key activities for this process include the following (note: statutory requirements are marked with an asterisk*):

1. Review each entity to determine which ones should be progressed through the process of a proposed subsequent Recovery Plan decision.
2. Seek input from relevant state/territory jurisdictions/ Commonwealth departments and from relevant internal (departmental) areas on the entities proposed for review.
3. *Threatened Species Scientific Committee (Committee) provides its initial advice on the Minister's *proposed* subsequent Recovery Plan decision.
4. *Minister considers the Committee's advice and agreement to publish a notice seeking public comment on the *proposed* subsequent Recovery Plan decision.
5. *Public comments sought for at least 30 business days. Where known, interested stakeholders will be notified (e.g., Recovery Teams, NGOs and researchers).
6. *Committee provides its final advice to the Minister on the subsequent Recovery Plan decision, taking into account comments received.
7. *Minister considers Committee advice and comments received from the consultation process and makes his/her subsequent Recovery Plan decision.
8. *Minister's decision is published. Relevant stakeholders advised.

Where a subsequent decision is made by the Minister to not have a Recovery Plan for a species or ecological community, the department will ensure that a new or updated Conservation Advice will be approved for that entity within 30 days of the Minister's decision.

DEPARTMENT OF AGRICULTURE, WATER AND THE ENVIRONMENT

MS21-003375

To: Minister for the Environment (For Decision)

REVIEW OF RECOVERY PLAN DECISIONS – RECOMMENDATIONS FOR THE PUBLIC CONSULTATION PROCESS

Timing: 15 September 2021 - to allow time for public consultation proposed to open 17 September 2021.

Recommendations:

s. 22(1)(a)(ii)

2. Agree to the recommended approach to staging the public consultation period, as at Attachment D, and opening the first stage on 17 September 2021.

Agreed / Not agreed

s. 22(1)(a)(ii)

Minister:



s. 22(1)(a)(ii)

Date:

15/7/21

Comments:

Clearing Officer: Sent: 13/09/2021	Ilona Stobutzki	Assistant Secretary, Protected Species and Communities	Ph: 6274 2531 Mob: s. 47F(1)
Contact Officer:	s. 22(1)(a)(ii)	Director, Terrestrial Threatened Species	Ph: s. 22(1)(a)(ii) Mob

Key Points:

- Currently 914 listed threatened species and ecological communities are required to have a recovery plan in force under the *Environment Protection and Biodiversity Conservation Act 1999* (the EPBC Act). The Threatened Species Scientific Committee (the Committee) and department are working towards a more strategic and flexible approach in conservation planning to support the recovery of threatened species and ecological

communities. This work will also contribute to addressing legacy and compliance issues in conservation planning. A systematic review of recovery plan decisions made prior to 2014 has been undertaken, covering 811 listed threatened species and ecological communities. The more recent decisions to require a recovery plan (in or since 2014), covering 103 entities will be reviewed at a later stage.

2. You previously agreed (**MS21-000570**) to undergo public consultation on the proposed subsequent recovery plan decisions to not have a recovery plan for 675 threatened species and ecological communities, subject to feedback from initial stakeholder consultation. Ys. 22(1)(a)(ii)

This species will now be incorporated into the broader project to give a total of 676 entities for public consultation. The list of entities grouped by sunseting dates is at **Attachment F**.

s. 22(1)(a)(ii)

4. As proposed in the previous briefing (**MS21-000570**), the department has met with key ENGOS – s. 22(1)(a)(ii)

5. While some of the ENGOS listed in [4] above raised general concerns about s. 22(1)(a), the main themes raised in the discussions relevant to this project include:

s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

- f. Concerns regarding the proposed consultation processes, particularly the capacity of the community to consider large numbers of entities and provide comments within a period of 30 business days.

s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

7. In response to the ENGOs' concerns regarding the public consultation process, the department has explored options to stage the public consultation process, including consulting the Australian Government Solicitor (AGS) s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

11. The department recommends a staged approach to the public consultation period to ensure that statutory requirements are met and provide more time for consultation across all the proposed decisions (Attachment D).
12. The first tranche would include 185 entities, comprising 36 entities for which their recovery plans sunset on 1 October 2021, and 149 entities that are currently overdue to have a recovery plan made. The latter group of entities have conservation advices in place. The department recommends public consultation is opened on the first tranche on 17 September 2021 as outlined (Attachment D).
13. The staged approach will provide the opportunity to consider public feedback on the first tranche to guide the approach for the remaining tranches. The second and third tranches would include the large number of entities with recovery plans sunsetting in April 2022, followed by a fourth tranche for entities sunsetting in October 2022 and into 2023. The tranches would be grouped by taxa to assist stakeholders. s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

Sensitivities and Handling

s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

Consultation: YES

22. The department's Legal, Strategic Communications and Web teams have been consulted regarding the risks and benefits of a staged versus bulk public consultation.

s. 22(1)(a)(ii)

Legal advice / Legislative impacts:

s. 42(1)

Financial impacts:

24. Nil

Attachments:

s. 22(1)(a)(ii)

s. 42(1)

s. 22(1)(a)(ii)

D: Recommended approach for staging the public consultation period.

s. 22(1)(a)(ii)

F: Lists of entities grouped by sunseting date.

s. 22(1)(a)(ii)

S. 42(1)

s. 42(1)

S. 42(1)

S. 42(1)

S. 42(1)

S. 42(1)

ATTACHMENT D**RECOMMENDED APPROACH FOR UNDERTAKING THE PUBLIC CONSULTATION
PERIOD VIA A STAGED APPROACH**

The public consultation on the proposed subsequent decisions will be conducted in **s. 22(1)(a)(ii)** tranches. The first tranche, proposed to open 17 September 2021, would include 185 entities – 36 with recovery plans on legislative instruments sunsetting on 1 October 2021, and 149 with recovery plans overdue to be in force.

s. 22(1)(a)(ii)

		9-Aug	16-Aug	23-Aug	30-Aug	6-Sep	13-Sep	20-Sep	27-Sep	4-Oct	11-Oct	18-Oct	25-Oct	
Recovery plan decision	Public consultation preparation													
	Public consultation						6 weeks; 185 entities							
	TSSC preparation													
	TSSC consideration													
	Decision brief preparation													
	Decision brief consideration by Minister													

s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

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Key	No. of entities
Sunsetting 1 October 2021	36
Overdue RPs	149

s. 22(1)(a)(ii)

ATTACHMENT F

676 ENTITIES GROUPED BY SUNSETTING DATE/STATUTORY TIMEFRAME

Entities with legislative instruments sunsetting on 1 October 2021 (count = 36)

Count	Scientific Name	Common Name
1.	<i>Acacia enterocarpa</i>	Jumping-jack Wattle
2.	<i>Acacia glandulicarpa</i>	Hairy-pod Wattle
3.	<i>Acacia imitans</i>	Gibson Wattle
4.	<i>Acacia phasmoides</i>	Phantom Wattle
5.	<i>Acacia pinguifolia</i>	Fat-leaved Wattle
6.	<i>Acacia vassalii</i>	Vassal's Wattle
7.	<i>Asterolasia elegans</i>	
8.	<i>Banksia ionthocarpa</i>	Kamballup Dryandra
9.	<i>Caladenia argocalla</i>	White-beauty Spider-orchid
10.	<i>Caladenia behrii</i>	Pink-lipped Spider-orchid
11.	<i>Caladenia gladiolata</i>	Bayonet Spider-orchid, Clubbed Spider-orchid
12.	<i>Caladenia intuta</i>	Ghost Spider-orchid
13.	<i>Caladenia macroclavia</i>	Large-club Spider-orchid
14.	<i>Caladenia melanema</i>	Ballerina Orchid
15.	<i>Caladenia rigida</i>	Stiff White Spider-orchid
16.	<i>Caladenia woolcockiorum</i>	Woolcock's Spider-orchid
17.	<i>Caladenia xantholeuca</i>	White Rabbits, Flinders Ranges White Caladenia
18.	<i>Daviesia microcarpa</i>	Norseman Pea
19.	<i>Eremophila koobabbiensis</i>	Koobabbie Eremophila, Koobabbie Poverty Bush
20.	<i>Eucalyptus recurva</i>	Mongarlowe Mallee
21.	<i>Eucalyptus x balanites</i>	Cadda Road Mallee, Cadda Mallee
22.	<i>Hemiandra rutilans</i>	Sargents Snakebush, Colourful Snakebush
23.	<i>Leucopogon obtectus</i>	Hidden Beard-heath
24.	<i>Microtis angusii</i>	Angus's Onion Orchid
25.	<i>Petrogale persephone</i>	Proserpine Rock-wallaby
26.	<i>Pomaderris brunnea</i>	Rufous Pomaderris, Brown Pomaderris
27.	<i>Prasophyllum petilum</i>	Tarengo Leek Orchid
28.	<i>Pteropus conspicillatus</i>	Spectacled Flying-fox
29.	<i>Pterostylis bryophila</i>	Hindmarsh Valley Greenhood
30.	<i>Pterostylis lepida</i>	Halbury Greenhood
31.	<i>Pultenaea</i> sp. Genowlan Point (NSW 417813)	Genowlan Point Pultenaea, Genowlan Pultenaea
32.	<i>Roycea pycnophylloides</i>	Saltmat
33.	<i>Symonanthus bancroftii</i>	Bancrofts Symonanthus
34.	<i>Verticordia fimbrialepis</i> subsp. <i>fimbrialepis</i>	Shy Featherflower
35.	<i>Zieria baeuerlenii</i>	Bomaderry Zieria, Bomaderry Creek Zieria
36.	<i>Zieria citriodora</i>	Lemon-scented Zieria

Entities with recovery plans overdue to be in force (count = 150)

Count	Scientific Name	Common Name
1.	<i>Arnhem Plateau Sandstone Shrubland Complex</i>	
2.	<i>Blue Gum High Forest of the Sydney Basin Bioregion</i>	
3.	<i>Brigalow (Acacia harpophylla dominant and co-dominant)</i>	
4.	<i>Broad leaf tea-tree (Melaleuca viridiflora) woodlands in high rainfall coastal north Queensland</i>	
5.	<i>Castlereagh Scribbly Gum and Agnes Banks Woodlands of the Sydney Basin Bioregion</i>	
6.	<i>Cooks River/Castlereagh Ironbark Forest of the Sydney Basin Bioregion</i>	
7.	<i>Coolibah - Black Box Woodlands of the Darling Riverine Plains and the Brigalow Belt South Bioregions</i>	
8.	<i>Cumberland Plain Shale Woodlands and Shale-Gravel Transition Forest</i>	
9.	<i>Giant Kelp Marine Forests of South East Australia</i>	
10.	<i>Gippsland Red Gum (Eucalyptus tereticornis subsp. Mediana) Grassy Woodland and Associated Native Grassland</i>	
11.	<i>Grassy Eucalypt Woodland of the Victorian Volcanic Plain</i>	
12.	<i>Grey Box (Eucalyptus microcarpa) Grassy Woodlands and Derived Native Grasslands of South-eastern Australia</i>	
13.	<i>Kangaroo Island Narrow-leaved Mallee (Eucalyptus cneorifolia) Woodland</i>	
14.	<i>Lowland Native Grasslands of Tasmania</i>	
15.	<i>Monsoon vine thickets on the coastal sand dunes of Dampier Peninsula</i>	
16.	<i>Natural Grasslands of the Murray Valley Plains</i>	
17.	<i>Natural Grasslands of the Queensland Central Highlands and northern Fitzroy Basin</i>	
18.	<i>Natural grasslands on basalt and fine-textured alluvial plains of northern New South Wales and southern Queensland</i>	
19.	<i>Natural Temperate Grassland of the South Eastern Highlands</i>	
20.	<i>Natural Temperate Grassland of the Victorian Volcanic Plain</i>	
21.	<i>New England Peppermint (Eucalyptus nova-anglica) Grassy Woodlands</i>	
22.	<i>Scott River Ironstone Association</i>	
23.	<i>Seasonal Herbaceous Wetlands (Freshwater) of the Temperate Lowland Plains</i>	

Count	Scientific Name	Common Name
24.	<i>Shale Sandstone Transition Forest of the Sydney Basin Bioregion</i>	
25.	<i>Subtropical and Temperate Coastal Saltmarsh</i>	
26.	<i>Turpentine-Ironbark Forest of the Sydney Basin Bioregion</i>	
27.	<i>Weeping Myall Woodlands</i>	
28.	<i>Western Sydney Dry Rainforest and Moist Woodland on Shale</i>	
29.	<i>Acacia ataxiphylla subsp. magna</i>	Large-fruited Tammin Wattle
30.	<i>Acacia bynoeana</i>	Bynoe's Wattle, Tiny Wattle
31.	<i>Acacia cretacea</i>	Chalky Wattle
32.	<i>Acacia retinocarpa</i>	Neat Wattle, Resin Wattle
33.	<i>Acacia splendens</i>	Splendid Wattle, Dandaragan Wattle
34.	<i>Acacia subflexuosa subsp. capillata</i>	Hairy-stemmed Zig-Zag Wattle
35.	<i>Acacia volubilis</i>	Tangled Wattle, Tangle Wattle
36.	<i>Acacia whibleyana</i>	Whibley Wattle
37.	<i>Anous tenuirostris melanops</i>	Australian Lesser Noddy
38.	<i>Aprasia parapulchella</i>	Pink-tailed worm lizard, Pink-tailed Legless Lizard
39.	<i>Aristida annua</i>	
40.	<i>Azorella macquariensis</i>	Macquarie Cushions
41.	<i>Balaenoptera borealis</i>	Sei Whale
42.	<i>Balaenoptera physalus</i>	Fin Whale
43.	<i>Banksia squarrosa subsp. argillacea</i>	Whicher Range Dryandra
44.	<i>Bidyanus bidyanus</i>	Silver Perch, Bidyan
45.	<i>Brachyscome muelleri</i>	Corunna Daisy
46.	<i>Burmattia sp. Bathurst Island (R.Fensham 1021)</i>	
47.	<i>Caladenia arenaria</i>	Sand-hill Spider-orchid
48.	<i>Caladenia brumalis</i>	Winter Spider-orchid
49.	<i>Caladenia colorata</i>	Coloured Spider-orchid, Small Western Spider-orchid, Painted spider-orchid
50.	<i>Caladenia cremna</i>	Don's Spider orchid
51.	<i>Calyptorhynchus lathami halmaturinus</i>	Glossy Black-Cockatoo (Kangaroo Island), Glossy Black-Cockatoo (South Australian)
52.	<i>Calytrix breviseta subsp. breviseta</i>	Swamp Starflower
53.	<i>Chalcophaps indica natalis</i>	Emerald Dove (Christmas Island)
54.	<i>Conospermum densiflorum subsp. unicephalum</i>	One-headed Smokebush
55.	<i>Conostylis dielsii subsp. teres</i>	Irwin's Conostylis
56.	<i>Conostylis micrantha</i>	Small-flowered Conostylis
57.	<i>Cryptoblepharus egeriae</i>	Christmas Island Blue-tailed Skink

Count	Scientific Name	Common Name
58.	<i>Cyclodomorphus praealtus</i>	Alpine she-oak skink
59.	<i>Cyrtodactylus sadleiri</i>	Christmas Island Giant Gecko
60.	<i>Daphnandra johnsonii</i>	Illawarra Socketwood
61.	<i>Davidsonia jerseyana</i>	Davidson's Plum
62.	<i>Daviesia bursarioides</i>	Three Springs Daviesia
63.	<i>Delma impar</i>	Striped Legless Lizard, Striped Snake-lizard
64.	<i>Dichanthium queenslandicum</i>	King Blue-grass
65.	<i>Drummondita ericoides</i>	Morseby Range Drummondita
66.	<i>Eidothea hardeniana</i>	Nightcap Oak
67.	<i>Eremophila denticulata subsp. trisulcata</i>	Cumquat Eremophila
68.	<i>Eucalyptus benthamii</i>	Camden White Gum, Nepean River Gum
69.	<i>Eucalyptus crucis subsp. praecipua</i>	Paynes Find Mallee
70.	<i>Eucalyptus dolorosa</i>	Dandaragan Mallee, Mount Misery Mallee
71.	<i>Eucalyptus impensa</i>	Eneabba Mallee
72.	<i>Eucalyptus leprophloia</i>	Scaly Butt Mallee, Scaly-butt Mallee
73.	<i>Eucalyptus parramattensis subsp. decadens</i>	Earp's Gum, Earp's Dirty Gum
74.	<i>Eucalyptus rhodantha</i>	Rose Mallee
75.	<i>Eucalyptus x phylacis</i>	Meelup Mallee
76.	<i>Falcunculus frontatus whitei</i>	Crested Shrike-tit (northern), Northern Shrike-tit
77.	<i>Genoplesium baueri</i>	Brittle Midge-orchid, Bauer's Midge Orchid, Yellow Gnat-Orchid
78.	<i>Gentiana baeuerlenii</i>	Baeuerlen's Gentian
79.	<i>Geophaps smithii smithii</i>	Partridge Pigeon (eastern)
80.	<i>Grevillea beadleana</i>	Beadle's Grevillea
81.	<i>Halobaena caerulea</i>	Blue Petrel
82.	<i>Haloragis eyreana</i>	Prickly Raspwort
83.	<i>Heleioporus australiacus</i>	Giant Burrowing Frog
84.	<i>Hemiandra gardneri</i>	Red Snakebush
85.	<i>Hoplocephalus bungaroides</i>	Broad-headed Snake
86.	<i>Hoplogonus bornemisszai</i>	Bornemissza's Stag Beetle
87.	<i>Hoplogonus simsoni</i>	Simson's Stag Beetle
88.	<i>Hoplogonus vanderschoori</i>	Vanderschoor's Stag Beetle
89.	<i>Irenepharsus trypherus</i>	Delicate Cress, Illawarra Irene
90.	<i>Isoodon auratus auratus</i>	Golden Bandicoot (mainland)
91.	<i>Isoodon obesulus obesulus</i>	Southern Brown Bandicoot (eastern), Southern Brown Bandicoot (south-eastern)
92.	<i>Lepidium ginninderrense</i>	Ginninderra Peppercress
93.	<i>Leucocarbo atriceps nivalis</i>	Imperial Shag (Heard Island), Heard Shag

Count	Scientific Name	Common Name
94.	<i>Leucocarbo atriceps purpurascens</i>	Imperial Shag (Macquarie Island)
95.	<i>Leucopatus anophthalmus</i>	Blind Velvet Worm
96.	<i>Liopholis guthega</i>	Guthega skink
97.	<i>Liopholis slateri slateri</i>	Slater's Skink, Floodplain Skink
98.	<i>Lissotes latidens</i>	Broad-toothed Stag Beetle, Wielangta Stag Beetle
99.	<i>Litoria aurea</i>	Green and golden bell frog
100.	<i>Litoria verreauxii alpina</i>	Alpine Tree Frog, Verreaux's Alpine Tree Frog
101.	<i>Maccullochella ikei</i>	Clarence River Cod, Eastern Freshwater Cod
102.	<i>Macroderma gigas</i>	Ghost Bat

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104.	<i>Muehlenbeckia tuggeranong</i>	Tuggeranong Lignum
105.	<i>Myriophyllum lapidicola</i>	Chiddarcooping Myriophyllum
106.	<i>Myrsine richmondensis</i>	Purple-leaf Muttonwood, Lismore Muttonwood
107.	<i>Notomys aquilo</i>	Northern Hopping-mouse, Woorrentinta
108.	<i>Olearia pannosa subsp. pannosa</i>	Silver Daisy-bush, Silver-leaved Daisy, Velvet Daisy-bush
109.	<i>Ornduffia calthifolia</i>	Mountain Villarsia
110.	<i>Pachyptila turtur subantarctica</i>	Fairy Prion (southern)
111.	<i>Papasula abbotti</i>	Abbott's Booby
112.	<i>Parantechinus apicalis</i>	Dibbler
113.	<i>Patersonia spirifolia</i>	Spiral-leaved Patersonia
114.	<i>Phascogale calura</i>	Red-tailed Phascogale, Red-tailed Wambenger, Kenngoos
115.	<i>Pherosphaera fitzgeraldii</i>	Dwarf Mountain Pine
116.	<i>Philothea basistyla</i>	White-flowered Philothea
117.	<i>Pleuropappus phyllocalymmeus</i>	Silver Candles
118.	<i>Pneumatopteris truncata</i>	fern
119.	<i>Prostanthera calycina</i>	West Coast Mintbush, Limestone Mintbush, Red Mintbush
120.	<i>Pseudomys shortridgei</i>	Heath Mouse, Dayang, Heath Rat
121.	<i>Pterodroma arminjoniana</i>	Round Island Petrel, Trinidad Petrel
122.	<i>Pterodroma heraldica</i>	Herald Petrel
123.	<i>Pterodroma mollis</i>	Soft-plumaged Petrel
124.	<i>Pteropus natalis</i>	Christmas Island Flying-fox, Christmas Island Fruit-bat
125.	<i>Pterostylis mirabilis</i>	Nodding Rufoushood
126.	<i>Pterostylis oreophila</i>	Kiandra Greenhood, Blue-tongued orchid

Count	Scientific Name	Common Name
127.	<i>Pterostylis sinuata</i>	Northampton Midget Greenhood, Western Swan Greenhood
128.	<i>Pultenaea trichophylla</i>	Tufted Bush-pea
129.	<i>Rhincodon typus</i>	Whale Shark
130.	<i>Sarcochilus weinthalii</i>	Blotched Sarcochilus, Weinthals Sarcanth
131.	<i>Sarcophilus harrisii</i>	Tasmanian devil
132.	<i>Selaginella andrewsii</i>	Tallebudgera spikemoss
133.	<i>Sminthopsis butleri</i>	Butler's Dunnart
134.	<i>Sterna vittata bethunei</i>	New Zealand Antarctic Tern, Antarctic Tern (New Zealand)
135.	<i>Sterna vittata vittata</i>	Antarctic Tern (Indian Ocean)
136.	<i>Stipiturus malachurus parimeda</i>	Southern Emu-wren (Eyre Peninsula)
137.	<i>Synemon plana</i>	Golden Sun Moth
138.	<i>Tectaria devexa</i>	
139.	<i>Thesium australe</i>	Austral Toadflax, Toadflax
140.	<i>Turdus poliocephalus erythropleurus</i>	Christmas Island Thrush
141.	<i>Typhonium jonesii</i>	herb
142.	<i>Typhonium mirabile</i>	herb
143.	<i>Tyto novaehollandiae kimberli</i>	Masked Owl (northern)
144.	<i>Tyto novaehollandiae melvillensis</i>	Tiwi Masked Owl, Tiwi Islands Masked Owl
145.	<i>Verticordia hughanii</i>	Hughan's Featherflower
146.	<i>Verticordia spicata subsp. squamosa</i>	Scaly-leaved Featherflower
147.	<i>Verticordia staminosa var. cylindracea</i>	Granite Featherflower
148.	<i>Wurmbea tubulosa</i>	Long-flowered Nancy
149.	<i>Zieria granulata</i>	Hill Zieria, Hilly Zieria, Illawarra Zieria
150.	<i>Zieria prostrata</i>	Headland Zieria

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