

**INTERGOVERNMENTAL
MEMORANDUM OF UNDERSTANDING**

**AGREEMENT ON A COMMON
ASSESSMENT METHOD FOR LISTING
OF THREATENED SPECIES AND
THREATENED ECOLOGICAL
COMMUNITIES**

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Details

Parties

Commonwealth of Australia

State of New South Wales

State of Queensland

State of Victoria

Australian Capital Territory

State of Tasmania

State of South Australia

State of Western Australia

Northern Territory of Australia

Context

- A. The Parties support regulatory reform to harmonise environmental legislation and seek opportunities to harmonise and simplify processes to improve regulatory efficiency and effectiveness while maintaining environmental protection.
- B. Conserving biodiversity is an essential part of safeguarding the earth's biological life support systems. A key foundation for conserving biodiversity is the assessment and statutory listing of species and ecological communities, against threat criteria for the purposes of protecting them and guiding and prioritising management and recovery action.
- C. The purpose of this MOU is to set out the agreed arrangements which ensure that the assessment and listing of threatened species and ecological communities is conducted by the Parties according to the Common Assessment Method applied at a national scale to ensure consistency.
- D. It is intended that the Common Assessment Method will be adopted and used by all Parties as soon as practicable. Parties agree to identify and implement mechanisms that will enable the adoption and use of the Common Assessment Method in their jurisdiction through administrative arrangements until the legislative amendments needed to fully implement the Common Assessment Method enter into force.
- E. The Parties will use their best endeavours to implement this MOU in accordance with the time frames set out in Schedule 2, noting that the timing and means of adoption in relation to both threatened species and ecological communities may vary according to individual circumstance.
- F. The Parties commit to supporting one another to adopt and apply the Common Assessment Method at a national scale, noting that this is a substantive change from current practice and will require the goodwill and cooperation of all Parties to effectively implement.

Objects

The objects of this MOU are to:

- A. commit to apply the Common Assessment Method for assessing and listing Nationally Threatened species and, where a Party opts-in, ecological communities;
- B. commit to establish in each jurisdiction a Single Operational List of threatened species, and, where a Party opts-in, of threatened ecological communities; and
- C. implement these reforms, including through a review of legacy species and ecological communities, and making legislative changes, where required.

Agreed Terms

1. Definitions and interpretation

1.1 Definitions

In this MOU, except where the contrary intention is expressed, the following definitions are used:

Aboriginal Tradition	has the same meaning as it has in section 3 of the <i>Aboriginal and Torres Strait Islander Heritage Protection Act 1984</i> (Cth).
Business Day	<ul style="list-style-type: none">(a) for receiving a notice under clause 11, a day that is not a Saturday, Sunday, public holiday or bank holiday in the place where the notice is received; and(b) for all other purposes, any day that is not a Saturday or Sunday or a national public holiday, and a 'national public holiday' is a Commonwealth public service holiday throughout Australia promulgated in the Commonwealth of Australia Gazette.
Common Assessment Method	the method used to assess the risk of extinction (for species) and collapse (for ecological communities) at Schedule 1.
Commonwealth areas	includes Commonwealth land, Commonwealth external territories as defined in section 525 of the EPBC Act, and Commonwealth marine areas as defined in section 24 of the EPBC Act.

Confidential Information	information that is by its nature confidential; and (a) is designated by a party as confidential; or (b) a party knows or ought to know is confidential, but does not include: (c) information which is or becomes public knowledge other than by breach of this MOU or any other confidentiality obligation.
Conservation Dependent	has the same meaning as in section 179(6) (b) of the EPBC Act.
cross-jurisdictional species or ecological community	a species or ecological community occurring in two or more states or territories.
Electronic Communication	has the same meaning as in the <i>Electronic Transactions Act 1999</i> (Cth).
endemic	native to and restricted to a particular geographical region.
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth).
IUCN	International Union for Conservation of Nature.
Law	any applicable statute, regulation, by-law, ordinance or subordinate legislation in force from time to time in Australia, whether made by a State, Territory, the Commonwealth, or a local government.
legacy species and ecological communities	species and ecological communities: (a) that were listed in each jurisdiction prior to the commencement of this MOU; and (b) listed after the commencement of this MOU in those jurisdictions that will amend their legislation to implement this MOU and apply the Common Assessment Method.
MOU	this document and includes any Schedules and Annexures.
Nationally Threatened	a species or ecological community that: (a) is listed under the EPBC Act; or (b) has been assessed at a National Scale using the Common Assessment Method and is eligible for listing as threatened under the EPBC Act.

National Scale	<p>where the risk assessment criteria is applied to a species or ecological community throughout the Australian jurisdiction, which comprises the land, waters, seabed and airspace in, under or above:</p> <ul style="list-style-type: none"> (a) Australia; (b) an external Territory; (c) the exclusive economic zone; or (d) the continental shelf and its external territories.
Range States	the states and territories in which a species or ecological community occurs.
Relevant Parties	the Commonwealth and the Range States of a Nationally Threatened species or ecological community.
Schedule	a schedule to this MOU.
Secret and Sacred Material	any information or knowledge of special religious, spiritual or customary significance considered to be secret, exclusive or restricted by an Aboriginal person or according to Aboriginal Tradition.
Senior Officials Group	the group established by clause 8.1.
Single Operational List	the list in each jurisdiction established under clause 6.1.
State of New South Wales	<p>the State of New South Wales, as represented by:</p> <ul style="list-style-type: none"> (a) the Minister administering the <i>Threatened Species Conservation Act 1995</i> (NSW); or (b) for matters relating to the assessment and listing of species and ecological communities in accordance with the Common Assessment Method: <ul style="list-style-type: none"> (i) the Scientific Committee established by Part 8 of the <i>Threatened Species Conservation Act 1995</i> (NSW); or (ii) the Fisheries Scientific Committee established by Part 7A of the <i>Fisheries Management Act 1994</i> (NSW), <p>as relevant.</p>
state / territory threatened species	species that are of particular conservation significance to the relevant state or territory but are not Nationally Threatened. These species may be targeted by the relevant state or territory for specific conservation management and protection.
threatened	applies to those categories of threat included in the IUCN Red List and for the purposes of this MOU the non-IUCN category of Conservation Dependent.

Threatened Species and Ecological Communities Working Group	the group established by the Senior Officials Group with the role detailed at clause 8.2.
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1.2 Interpretation

In this MOU, except where the contrary intention is expressed:

- (a) species is taken to mean sub-species, varieties (plants) and populations unless otherwise specified;
- (b) the singular includes the plural and vice versa;
- (c) another grammatical form of a defined word or expression has a corresponding meaning;
- (d) the meaning of general words is not limited by specific examples introduced by 'for example' or similar expressions;
- (e) a reference to a clause, paragraph, Schedule or annexure is to a clause or paragraph of, or Schedule or Annexure to, this MOU, and a reference to this MOU includes any Schedule and Annexure;
- (f) a reference to a statute, ordinance, code or other Law includes regulations and other instruments under it and consolidations, amendments, re-enactments or replacements of any of them; and
- (g) a reference to a Party is to a Party to this Agreement, and a reference to a Party to a document includes the Party's executors, administrators, successors and permitted assignees and substitutes.

1.3 Effect of this MOU

This MOU does not create contractual or other legal obligations between the Parties, and a breach of this MOU will not give rise to any cause of action, or right to take legal proceedings.

2. Priority of MOU documents

If there is inconsistency between any of the documents forming part of this MOU, those documents will be interpreted in the following order of priority to the extent of any inconsistency:

- (a) Agreed Terms;
- (b) the Schedules in their order of appearance;
- (c) any attachments to the Schedules; and
- (d) documents incorporated by reference in this MOU.

3. MOU Period

3.1 Commencement

- (a) This MOU commences on the date at least one state or territory Party and the Commonwealth sign this MOU (the **Commencement Date**).
- (b) Where a state or territory signs the MOU after the Commencement Date, the MOU commences for that Party (and the other Parties in relation to the new Party) on the date it is signed by the new Party.

3.2 Termination

This MOU may be terminated at any time by written agreement of all Parties.

3.3 Withdrawal

Where a Party wishes to withdraw from this MOU, that Party will provide 20 Business Days notice in writing to the remaining Parties. This MOU shall remain in operation for the remaining Parties.

4. Implementing this MOU

4.1 Commitment of the Parties

The Parties commit, in accordance with Schedule 2 of this MOU to:

- (a) establish administrative arrangements that will enable the adoption and use of the Common Assessment Method as far as practicable within their jurisdiction;
- (b) use their best endeavours to establish a Single Operational List of threatened species and, where the jurisdiction opts-in, ecological communities;
- (c) cooperate on the project to transition legacy species and ecological communities to an agreed category of threat on its Single Operational List, or to remove them from its Single Operational List; and
- (d) use their best endeavours to progress any legislative amendments required to fully implement this MOU.

4.2 'Opt-in' regarding ecological communities

- (a) The obligations relating to ecological communities do not apply unless a Party has indicated their intention to 'opt-in' either:
 - (i) at the time of signing this MOU by signing at Schedule 4; or
 - (ii) at any time during the MOU Period by providing notice in writing to the other Parties.
- (b) The obligations take effect from:
 - (i) the date the MOU is signed, where the Party opts-in at the time of signing this MOU; or
 - (ii) 10 Business Days from the date of the written notice referred to in clause 4.2(a)(ii), where the Party opts-in after signing this MOU.

5. Common Assessment Method

5.1 Common Assessment Method

- (a) The Parties commit to applying the Common Assessment Method to assess the risk of extinction (species) or collapse (ecological communities) at a National Scale.
- (b) The Parties agree to cooperate in the development, maintenance, review and implementation of guidance documents to support the implementation of the Common Assessment Method.

5.2 Responsibility for undertaking assessments

- (a) Each state and territory will predominantly be responsible for assessing and listing species and ecological communities endemic to its jurisdiction, except for instances where it is agreed with the Relevant Parties that the Commonwealth will undertake the assessment.
- (b) The Commonwealth will predominantly be responsible for assessing and listing cross-jurisdictional species and ecological communities, except for:
 - (i) those species and ecological communities that occur only in the Australian Capital Territory and New South Wales, in which case those Parties will agree whether either of these jurisdictions will undertake the assessment; or
 - (ii) where the Relevant Parties agree that a particular state or territory will undertake the assessment.
- (c) Parties will consult with each other on the setting of priorities for assessing species and ecological communities for listing and delisting, including for legacy species.

5.3 Applying the Common Assessment Method

- (a) In applying the Common Assessment Method, a Party will:
 - (i) consult with any other Relevant Parties while undertaking an assessment;
 - (ii) cooperate and share information with other Relevant Parties for the purpose of undertaking threat assessments of species and ecological communities relevant to their jurisdiction; and
 - (iii) provide a copy of a completed assessment to Relevant Parties to enable a decision to amend the Single Operational List in accordance with clause 6.4.

6. Single Operational List

6.1 Establishment of a Single Operational List

- (a) Each Party commits to using its best endeavours to establish in its jurisdiction a Single Operational List of threatened species and, where the jurisdiction opts-in, threatened ecological communities.

- (b) Once the Single Operational List is established for a Party, this clause 6 will apply.

6.2 Content of the Single Operational List

- (a) Each Party's Single Operational List will contain the names of Extinct, Extinct in the Wild, Critically Endangered, Endangered, Vulnerable, and Conservation Dependent species relevant to its jurisdiction as determined by the application of the Common Assessment Method at a National Scale.
- (b) Each Party's Single Operational List may also contain the names of state or territory threatened species, or other species of significance, being species that have been determined not likely to be Nationally Threatened using the Common Assessment Method applied at a National Scale, or which are awaiting listing as Nationally Threatened.
- (c) Where a Party has 'opted-in' in accordance with clause 4.2, its Single Operational List will contain the names of Collapsed, Critically Endangered, Endangered, and Vulnerable ecological communities relevant to its jurisdiction, as determined by the application of the Common Assessment Method at a National Scale.
- (d) Each Party's Single Operational List may also contain the names of state or territory threatened ecological communities that have been determined not likely to be Nationally Threatened using the Common Assessment Method applied at a National Scale, or which are awaiting listing as Nationally Threatened.

6.3 Amending the Single Operational List

- (a) A Party can initiate an amendment to a Single Operational List for a species or ecological community that occurs or previously occurred within its jurisdiction.
- (b) Each Party will undertake to list and de-list Nationally Threatened species and ecological communities, as far as practical in a coordinated manner concurrently with Relevant Parties.
- (c) A Single Operational List can only be amended for Nationally Threatened species and ecological communities:
 - (i) in accordance with the process for de-listing or amending the listing of legacy species and ecological communities (to be agreed by Parties in accordance with Schedule 2); or
 - (ii) if all the following conditions are met:
 - (A) an assessment has been made using the Common Assessment Method applied at a National Scale and a copy of that assessment has been provided to Relevant Parties; and
 - (B) there are no disputes outstanding between the Relevant Parties relating to the assessment following a dispute being notified in accordance with clause 9; and

- (C) a decision-maker has considered the assessment and exercises their power under a Law of the Relevant Parties to amend its Single Operational List in accordance with the assessment outcome.

6.4 Mutual Recognition

- (a) Subject to the process in clause 6.3(c) being completed for a Nationally Threatened species or ecological community, all Relevant Parties will:
 - (i) list the species or ecological community on its Single Operational List as Nationally Threatened at the assessed threat category; or
 - (ii) change the threat status of the species or ecological community to the assessed threat category; or
 - (iii) remove the species or ecological community from its Single Operational List of Nationally Threatened matters.
- (b) The Parties agree to provide all necessary information to Relevant Parties to enable decision-makers of the Relevant Parties to amend their Single Operational List.
- (c) For the avoidance of doubt, a Party's assessment for a Nationally Threatened species or ecological community will be accepted and adopted by Relevant Parties, if all aspects of the Common Assessment Method were followed and there are no outstanding disputes.

7. Co-operation

7.1 General

- (a) To complement the objects of this MOU, the Parties will continue to seek opportunities to streamline their assessment processes for threatened species and ecological communities to improve the efficiency and effectiveness of assessment and implementation.
- (b) The Parties will engage together on these efforts, and report on progress to the Senior Officials Group on a half-yearly basis.
- (c) The Parties agree to liaise with and provide information to each other as reasonably notified by another Party and comply with all reasonable requests where it is lawful to do so.
- (d) The Parties will engage relevant stakeholders in the implementation of this MOU.
- (e) The Parties will share information on threatened species and ecological communities in accordance with Schedule 3.
- (f) The Parties will share information on the extent of the public consultation undertaken on an assessment.

7.2 Public participation and transparency

- (a) The Parties commit to public consultation as part of the assessment process.
- (b) Subject to clause 7.3, the Parties will ensure information relevant to the assessment is made publicly available at the appropriate resolution and accuracy.

7.3 Exceptions to obligation to publish information

The Parties agree to make available to the public relevant documents about each assessment, except where the information is:

- (a) Confidential Information;
- (b) the personal information of an individual;
- (c) Secret and Sacred Material;
- (d) environmentally sensitive which if published may increase risk to the species or ecological community; or
- (e) not able to be lawfully provided.

8. Governance

8.1 Senior Officials Group

- (a) The Senior Officials Group is comprised of representatives of all Parties, being:
 - (i) heads of relevant agencies or their delegated representatives; and
 - (ii) for New South Wales for matters relating to the assessment and listing of species and ecological communities in accordance with this MOU, representatives of the independent New South Wales Scientific Committee and Fisheries Scientific Committee as relevant.
- (b) The Senior Officials Group will:
 - (i) ensure that the requirements of this MOU are administered and applied co-operatively and efficiently;
 - (ii) oversee the implementation of this MOU;
 - (iii) address ongoing implementation issues as they arise;
 - (iv) consider at a meeting the operation of this MOU at least once every five years;
 - (v) report to the Parties on the operation of this MOU from time to time; and
 - (vi) establish a Threatened Species and Ecological Communities Working Group.

8.2 Threatened Species and Ecological Communities Working Group

- (a) All Parties will be represented on a Threatened Species and Ecological Communities Working Group.

- (b) The Threatened Species and Ecological Communities Working Group will:
 - (i) coordinate implementation of this MOU;
 - (ii) report on the operation and effectiveness of this MOU to stakeholders as appropriate;
 - (iii) provide a six-monthly report to the Senior Officials Group or at other times, as appropriate; and
 - (iv) exchange information between Parties on matters that may improve the operation of the MOU.

9. Dispute resolution

9.1 Dispute resolution

- (a) Acting in a spirit of cooperation, the Parties agree that if a dispute arises under this MOU, which has not been resolved by informal discussion (**Dispute**), the procedure in this clause 9 will be followed.
- (b) The Parties agree that any Dispute arising under this MOU will be dealt with as follows:
 - (i) where the Dispute relates to this MOU or an amendment to a Single Operational List, the Party claiming that there is a Dispute will give written notice to:
 - (A) the other Party which will state that it is a notice under this clause and will specify the details of the Dispute concerned; and
 - (B) notify other Parties to this MOU of the Dispute;
 - (ii) where the Dispute relates to an assessment of a species or ecological community, the Party claiming that there is a Dispute will give written notice to:
 - (A) the other Party which will state that it is a notice under this clause and will specify the details of the Dispute concerned; and
 - (B) notify other Relevant Parties of the Dispute;
 - (iii) representatives of the Parties to the Dispute will endeavour in good faith to agree upon a resolution of the Dispute;
 - (iv) if the representatives fail to reach a solution within 20 Business Days of receipt of a notice of Dispute (or a timeframe agreed in writing between the Parties to the Dispute), the representatives will refer the matter to expert persons (to be agreed between the Parties to the Dispute) for advice;
 - (v) if the representatives fail to reach a solution within 20 Business Days of receipt of advice from the expert persons, the Dispute will be taken to senior executive representatives of each of the Parties to the Dispute;
 - (vi) senior executive representatives will endeavour in good faith to agree upon a resolution of the Dispute; and

- (vii) if the senior executive representatives fail to resolve the Dispute within 10 Business Days (or other timeframe agreed in writing between the Parties to the Dispute), the Dispute will be taken to the Senior Officials Group.

9.2 Senior Officials Group consideration of Disputes

- (a) If a Dispute is brought to the Senior Officials Group for consideration under clause 9.1(b)(vii), the Senior Officials Group will endeavour in good faith to agree upon a resolution of the Dispute.
- (b) If the Dispute relates to an assessment of a species or ecological community, the Senior Officials Group will consider:
 - (i) whether the assessment was conducted in accordance with this MOU; and
 - (ii) the expert advice sought under clause 9.1(b) (iv).
- (c) If the Senior Officials Group fail to resolve the Dispute within 20 Business Days (or other timeframe agreed in writing between the Parties to the Dispute), from the date of the escalation of the Dispute to Senior Officials Group under clause 9.1(b)(vii), and:
 - (i) there is no agreement on submission of the dispute to mediation or some alternative dispute resolution procedure; or
 - (ii) there is a submission to mediation or some other form of alternative dispute resolution procedure, but there is no resolution within 20 Business Days of the submission (or other timeframe agreed in writing between the Parties to the Dispute) then,

the matter may be referred by either Party to the Dispute to relevant Ministers or other relevant decision-makers authorised by Law for resolution as soon as practical.

10. Review

10.1 Continuous improvements

The Parties will notify and consult each other on matters that come to their attention that may improve the operation of this MOU.

10.2 Review and amendment of the Common Assessment Method

- (a) Any Party can raise issues regarding the improved operation and implementation of the Common Assessment Method with the other members of the Threatened Species and Ecological Communities Working Group.
- (b) Any changes to the IUCN documentation on which the Common Assessment Method is based will trigger a review of Schedule 1 by the Threatened Species and Ecological Communities Working Group.
- (c) If the Threatened Species and Ecological Communities Working Group agree that amendments to the Common Assessment Method are required, the proposed amendments to the Common Assessment Method will be forwarded for determination in accordance with the process at clause 10.4.

10.3 Review of this MOU

- (a) The operation and effectiveness of this MOU will be reviewed once a year unless otherwise required – see clause 10.4.
- (b) The review will be carried out:
 - (i) jointly by members of the Threatened Species and Ecological Communities Working Group and/or as agreed by the Senior Officials Group, with each Party meeting its own costs; or
 - (ii) where agreed by the Senior Officials Group, in whole or in part by an independent third party.
- (c) If the Parties' legislation is subsequently amended, or proposed to be amended, in a manner that would affect the operation of this MOU, the Parties agree to promptly notify each other and the Parties will seek to agree as soon as practical on:
 - (i) the potential impact of the amendments on the operation of this MOU; and
 - (ii) whether it is necessary to make changes to this MOU.

10.4 Process for varying this MOU

- (a) Any Party can initiate an amendment to this MOU or the Threatened Species and Ecological Communities Working Group can recommend amendments to the Senior Officials Group.
- (b) Minor and non-substantive amendments may be agreed in writing by the Senior Officials Group and reflected in an updated version of this MOU circulated to all Parties following the relevant Senior Officials Group meeting.
- (c) Major amendments will be agreed to by the relevant Minister of each Party and the amended MOU will be circulated and signed by each relevant Minister.
- (d) Variations to this MOU take effect:
 - (i) for major amendments, from the date the amended MOU was signed by the last Party to do so; or
 - (ii) for minor amendments, from the date the Senior Officials Group agreed the amendments in writing.

11. Notices and other communications

11.1 Service of notices

- (a) A Party giving notice under this MOU will do so in English and in writing or by Electronic Communication:
 - (i) directed to the nominated representatives of the other Parties at the Parties' addresses, as varied by any notice; and
 - (ii) hand delivered or sent by prepaid post, facsimile or Electronic Communication to those addresses.

(b) The Parties' addresses are specified in Schedule 5.

12. General provisions

12.1 Relationship to bilateral agreements

This MOU operates concurrently with any EPBC Act bilateral agreements in force with states and territories.

12.2 Counterparts

This MOU may be executed in counterparts. All executed counterparts constitute one document.

Schedule 1 – Common Assessment Method

1. Common Assessment Method

1.1 Application of IUCN documentation

- (a) The Common Assessment Method detailed in this Schedule applies the criteria, categories, thresholds and definitions in the following IUCN documentation:

- (i) IUCN Red List Categories and Criteria, Version 3.1;
- (ii) Guidelines for Using the IUCN Red List Categories and Criteria;

Available for download at: <http://www.iucnredlist.org/technical-documents/red-list-documents>.

- (iii) Keith DA, Rodriguez JP, Rodriguez-Clark KM, Nicholson E, Aapala K, et al. (2013) Scientific Foundations for an IUCN Red List of Ecosystems, PLoS ONE 8(5);e62111;

Available for download at:

<http://journals.plos.org/plosone/article?id=10.1371/journal.pone.0062111>

- (iv) Guidelines for Application of the IUCN Red List Criteria at Regional and National Levels.

Available for download at <http://www.iucnredlist.org/technical-documents/red-list-training/red-list-guidance-docs>.

- (b) Assessments of species and ecological communities should be based on the above IUCN documents except as specified in this Schedule.

1.2 Amendment of Common Assessment Method

The Common Assessment Method will be updated in accordance with clause 10.

2. Assessing species

2.1 Eligible species

- (a) All native organisms are eligible for assessment and listing as threatened.
- (b) The taxonomic units of species, subspecies, and varieties are included.
- (c) Populations as defined at Item 2.2 of this Schedule are included under the term species, unless otherwise specified.
- (d) For assessments of conventionally accepted species and subspecies of flora the accepted taxonomic authority will be the Council of Heads of Australasian Herbaria.
- (e) For assessments of conventionally accepted species and subspecies of fauna the accepted authority for taxonomy and nomenclature will be either:
 - (i) the Australian Faunal Directory; or

- (ii) a taxonomy and nomenclature agreed by Relevant Parties based on the latest scientific evidence.
- (f) For assessments of species or subspecies that are not conventionally accepted (i.e. not described), a taxonomic diagnosis and description of the species/subspecies in forms suitable for publication in conventional scientific literature should be provided. If such information is not available, then the following will be included in the assessment documentation:
 - (i) evidence that a scientific institution (such as state/territory museum or herbarium) has a voucher specimen of the species/subspecies; and
 - (ii) a written statement signed by a taxonomist or other person who has relevant expertise, confirming the validity of the new species/subspecies.

2.2 Populations

- (a) Populations are eligible for assessment if Items 2.2(a)(i) and 2.2(a)(ii) of this Schedule both apply:

- (i) the population is geographically isolated and is distinct and able to be defined in a way that differentiates it from all other populations; and

Note: Distinctiveness refers to characteristics of genetics, phylogeny, morphology, ecology, physiology, behaviour, ecosystem role or other aspect of the population's biology that set it apart from other populations of the same taxon. Distinctiveness may be determined from evidence of those characteristics and may be the outcome of geographical, reproductive or other form of isolation from other populations of the same taxon. The effect of isolation is to limit demographic or genetic exchange to a low level (typically one successful migrant or gamete per year or less). Isolation may occur either naturally or have anthropogenic causes. The scale at which geographic isolation is considered will depend on the biology of the taxon being assessed.

- (ii) the taxon of which the population is a part is not listed as Nationally Threatened.

Note: A nominated population must be part of an eligible species as defined in Item 2.1 of this Schedule. Populations of undescribed species, subspecies or formally recognised varieties are also eligible for assessment, but only when the definitions and information requirements for undescribed taxa under Item 2.1(f) of this Schedule are also met.

2.3 Geographical Scale

- (a) The IUCN risk assessment criteria will first be applied at a National Scale.
- (b) If a species is not eligible for listing as Nationally Threatened then the criteria may be applied to a population of the species.
- (c) If a species is considered not likely to be Nationally Threatened using the Common Assessment Method applied at a National Scale, states and territories can elect to assess the threat status of the species within their jurisdiction and list under a category of threat appropriate to the status of the species within that jurisdiction. A state or territory may list a species as

threatened within their state or territory even if a population of that species is listed as Nationally Threatened.

- (d) The influence of populations outside Australia, (including Commonwealth areas) will be considered in assessments in accordance with the IUCN *Guidelines for Application of IUCN Red List Criteria at Regional and National Levels*.

2.4 Categories for Nationally Threatened

- (a) The Parties agree the threatened categories are Extinct, Extinct in the Wild, Critically Endangered, Endangered, Vulnerable and Conservation Dependent.
- (b) The non-IUCN category of 'Conservation Dependent' will be included for the purposes of section 179(6) (b) of the EPBC Act.

2.5 Criteria

- (a) Assessments will apply:
 - (i) the non-IUCN threatened category of 'Conservation Dependent' specified at Item 2.4(b) of this Schedule; and
 - (ii) the IUCN criteria, categories, thresholds and definitions in the IUCN documentation specified at Item 1 of this Schedule, including any updates to the identified IUCN documentation agreed by the Parties in accordance with clause 10.
- (b) Interpretation and application of the IUCN criteria, categories, thresholds and definitions will be in accordance with the IUCN guidelines.
- (c) Assessments will be evidence-based as outlined in Item 4 of this Schedule.

2.6 Eligibility for listing

Species will satisfy at least one of the IUCN criteria to be eligible for listing as threatened.

2.7 Information requirements

A listing recommendation for a species will include the following information:

- (a) species name;
- (b) taxonomy;
- (c) current conservation status;
- (d) description of species;
- (e) distribution of species;
- (f) relevant biology/ecology of the species;
- (g) threats and level of risk to the species;
- (h) assessment of available information in relation to the IUCN criteria specified in the documentation listed at Item 1 of this Schedule and in this Item 2.7(h)(i)-(v), including a statement on the standard of scientific evidence and adequacy of survey:
 - (i) Criterion A - Declining population (past, present and/or projected);

- (ii) Criterion B - Geographic range size, and fragmentation, decline or fluctuations;
- (iii) Criterion C - Small population size and fragmentation, decline, or fluctuations;
- (iv) Criterion D - Very small population or very restricted distribution; and
- (v) Criterion E - Quantitative analysis of extinction risk;
- (i) recommendation of conservation status resulting from this assessment, including a summary of the reasons why the species qualifies for listing in the assigned category; and
- (j) references cited.

2.8 Additional information

A listing for a species will also include any information known at the time of the listing assessment about what could reasonably be done to stop the decline of, or support recovery of, the species, or a statement to the effect that there is nothing that could reasonably be done to stop the decline of, or support the recovery of the species.

3. Assessing Ecological Communities

3.1 Eligible ecological communities

- (a) All ecological communities within Australia, including external territories, are eligible for listing as threatened.
- (b) The term 'ecological community' has the same meaning as the term 'ecosystem' used in the IUCN Red List of Ecosystems.

3.2 Geographic scale

- (a) The IUCN criteria, categories, thresholds and definitions will be first applied at a National Scale, recognising that there is no standard scale of ecological community definition, and that different scales are appropriate for different types of ecological communities.
- (b) If an ecological community is considered not likely to be Nationally Threatened using the Common Assessment Method applied at a National Scale, states and territories can elect to assess the threat status of the ecological community within their borders and list under a category of threat appropriate to the status of the ecological community within that jurisdiction.

3.3 Categories

The Parties agree the threatend categories are Collapsed, Critically Endangered, Endangered, and Vulnerable.

3.4 Criteria

- (a) Assessments will apply the IUCN criteria, categories, thresholds and definitions in the IUCN documentation specified at Item 1 above, including updates to the identified IUCN documentation agreed by the Parties in accordance with clause 10.

- (b) Interpretation and application of the IUCN criteria, categories, thresholds and definitions will be in accordance with IUCN guidelines.
- (c) Assessments will be evidence-based as outlined in Item 4 of this Schedule.

3.5 Eligibility for listing

Ecological communities will satisfy at least one of the IUCN criteria to be eligible for listing as threatened.

3.6 Information requirements

A listing recommendation for an ecological community will include the following information:

- (a) name of the ecological community;
- (b) conservation status (outcome of the assessment);
- (c) description of the ecological community, including where appropriate condition thresholds for collapse;
- (d) threats and level of risk to the ecological community;
- (e) assessment of available information in relation to the IUCN criteria specified in the documentation listed at Item 1 of this Schedule and in this Item 3.6(e)(i)-(v), including a statement on the standard of scientific evidence and adequacy of survey:
 - (i) Criterion A - Reduction in geographic distribution;
 - (ii) Criterion B - Restricted geographic distribution;
 - (iii) Criterion C - Environmental degradation based on change in an abiotic variable;
 - (iv) Criterion D - Disruption of biotic processes or interactions based on change in a biotic variable; and
 - (v) Criterion E - Quantitative analysis that estimates the probability of ecosystem collapse.
- (f) recommendation of conservation status resulting from this assessment, including a summary of the reasons why the ecological community qualifies for listing in the assigned category; and
- (g) references cited.

3.7 Additional information

A listing for an ecological community will also include:

- (a) any information known at the time of the listing assessment about what could reasonably be done to stop the decline of, or support recovery of, the ecological community; or
- (b) a statement to the effect that there is nothing that could reasonably be done to stop the decline of, or support the recovery of the ecological community.

4. Standard of scientific evidence

- (a) As listing may have regulatory implications, there should be sufficient evidence to satisfy a decision-maker that at least one of the IUCN risk assessment criteria is satisfied.
- (b) A range of factors contribute to determining whether evidence is sufficient. Each of these factors should be considered and documented when making assessments:
 - (i) the nature of the data, including adequacy of survey (occurrences) and monitoring (to detect change), including factors such as sampling design, effort applied, number of variables considered, proportion of a species' range covered, time period covered etc.;
 - (ii) the number of data sets relevant to the conclusion;
 - (iii) the range of uncertainty in the data and degree of consistency between different data sets;
 - (iv) the source of the data and its credibility; and
 - (v) the relevance of the data to the particular assessment criterion.
- (c) Where available, quantitative information should be used for assessing against defined numerical thresholds. In the absence of quantitative information for a particular criterion, qualitative evidence is acceptable when it is based on expert opinion and observation.
- (d) A species or ecological community will be considered as data deficient where data is insufficient to confirm that it is eligible for listing as Nationally Threatened. Data deficient matters will not become part of a Single Operational List of Nationally Threatened matters until further information is obtained and the matter is re-assessed using the Common Assessment Method applied at a National Scale.

Schedule 2 - Implementation Plan

1. Implementation Plan

1.1 Common Assessment Method

Each Party agrees to establish administrative arrangements to enable, as far as practicable within its jurisdiction, the adoption and use of the Common Assessment Method to assess the risk of extinction (for species) and collapse (for ecological communities), within six months after the Party executes the MOU.

1.2 Legacy species and ecological communities

- (a) Each Party commits to participate actively in a project to transition legacy species and ecological communities, to an agreed category of threat on its Single Operational List or to remove them.
- (b) The transition project is to be completed within two years after the Commencement Date, or as soon as possible thereafter once any consequences that may arise from changing current listing categories are analysed and either addressed or accepted by the Relevant Parties.

1.3 Implementation of MOU

- (a) Each Party commits to identify and use its best endeavours to resolve the following matters within two years after the Commencement Date:
 - (i) establish the agreed threat categories for Nationally Threatened species and, where the Party has opted-in, ecological communities; and
 - (ii) enable mutual recognition of assessment outcomes and/or listing decisions to give effect to clause 6.4 (mutual recognition).
- (b) Each Party agrees to use their best endeavours to progress any legislative amendments necessary to bring this MOU into operation within two years after the Commencement Date.
- (c) Each Party agrees to establish arrangements enabling periodic reviews of nationally listed matters to ensure the currency and scientific accuracy of statutory lists.

Schedule 3 - Information exchange and sharing

1. Principles of information sharing

- (a) Implementation of the Common Assessment Method will be underpinned by the following principles relating to exchange and sharing of information:
 - (i) each Party agrees to comply promptly with any reasonable request from another Party to supply information relating to the management or administration of assessments covered by this MOU and which pertain to the other Party's jurisdiction;
 - (ii) the Parties note that information provided under this MOU may provide a common information base for each Relevant Party to understand the conservation status of threatened species and ecological communities; and
 - (iii) the Parties agree to provide information to each other for the purposes of meeting their respective obligations relating to this MOU in accordance with any EPBC Act bilateral agreements in force with states and territories;
- (b) The Parties recognise that:
 - (i) information and raw data is held in different formats (including electronic and hard copy);
 - (ii) this MOU applies to data in existence at the time of the request and in the format held by the custodian, but may subsequently be extended to additional information or data relating to a particular assessment (e.g. results of recent surveys to discover new populations of a species under assessment);
 - (iii) some data is, and will need to remain, confidential and will not be provided;
 - (iv) the data transferred will be held securely to prevent unauthorised access;
 - (v) the data will remain the property of the custodian;
 - (vi) best endeavours will be used to ensure that information or data is not used inappropriately, and agree to attribute accuracy and custodianship or ownership;
 - (vii) compilation and integration of datasets of widely differing scales may be required and this may require collaboration between Parties to effect a result; and
 - (viii) transfer and use of data will be subject to such licence conditions as may be agreed, including addressing, as necessary, the matters in Item 1(b) (i) to (vi) of this Schedule.

Schedule 4 – Ecological communities

Parties that sign below opt-in to the obligations regarding ecological communities from the date the Party signed this MOU.

Item No.	Party	Opt-in for ecological communities
1.	Commonwealth	SIGNED for and on behalf of the Commonwealth of Australia as represented by the Minister for the Environment
2.	State of New South Wales	SIGNED for and on behalf of the State of New South Wales as represented by the Minister for the Environment Mark Speakman 31.10.16
3.	State of Queensland	SIGNED for and on behalf of the State of Queensland as represented by the Minister for Environment and Heritage Protection and Minister for National Parks and the Great Barrier Reef
4.	State of Victoria	SIGNED for and on behalf of the State of Victoria as represented by the Minister for Energy, Environment and Climate Change
5.	Australian Capital Territory	SIGNED for and on behalf of the Australian Capital Territory as represented by the Minister for the Environment 
6.	State of Tasmania	SIGNED for and on behalf of the State of Tasmania as represented by the Minister for the Environment, Parks and Heritage
7.	State of South Australia	SIGNED for and on behalf of the State of South Australia as represented by the Minister for Sustainability, Environment and Conservation
8.	State of Western Australia	SIGNED for and on behalf of the State of Western Australia as represented by the Minister for Environment
9.	Northern Territory of Australia	SIGNED for and on behalf of the Northern Territory of Australia as represented by the Minister for the Environment

Schedule 5 – Addresses for notices

Item No.	Description	Details
1.	Commonwealth	<p>Department of the Environment</p> <p>Name: Gordon de Brouwer</p> <p>Position: Secretary, Department of the Environment</p> <p>Phone: 02 6274 1550</p> <p>Email: Gordon.deBrouwer@environment.gov.au</p> <p>Postal address: GPO Box 787, Canberra, ACT, 2601</p>
2.	State of New South Wales	<p>Office of Environment and Heritage</p> <p>Name: Terry Bailey</p> <p>Position: Chief Executive</p> <p>Phone: (02) 9995 5000</p> <p>Email: terry.bailey@environment.nsw.gov.au</p> <p>Postal address: PO Box A290, Sydney South, NSW 1232</p>
3.	State of Queensland	<p>Department of Environment and Heritage Protection</p> <p>Name: Jim Reeves</p> <p>Position: Director-General</p> <p>Phone: (07) 3330 6298</p> <p>Email: Jim.Reeves@ehp.qld.gov.au</p> <p>Postal address: GPO Box 2454, Brisbane, QLD 4001</p>
4.	State of Victoria	<p>Department of Environment, Land, Water & Planning</p> <p>Name: John Bradley</p> <p>Position: Secretary</p> <p>Phone: (03) 9637 8000</p> <p>Email: john.bradley@delwp.vic.gov.au</p> <p>Postal address: PO Box 500, Melbourne, VIC 8002</p>

5.	Australian Capital Territory	<p>Environment and Planning Directorate</p> <p>Name: Dorte Ekelund</p> <p>Position: Director-General</p> <p>Phone: (02) 6207 8359</p> <p>Email: Dorte.Ekelund@act.gov.au</p> <p>Postal address: GPO Box 158, Canberra City, ACT 2601</p>
6.	State of South Australia	<p>Department of Environment, Water and Natural Resources</p> <p>Name: Sandy Pitcher</p> <p>Position: Chief Executive</p> <p>Phone: (08) 8204 9323</p> <p>Email: sandy.pitcher@sa.gov.au</p> <p>Postal address: GPO Box 1047, Adelaide, SA 5001</p>
7.	State of Tasmania	<p>Department of Primary Industries, Parks, Water and Environment</p> <p>Name: John Whittington</p> <p>Position: Secretary</p> <p>Phone: 1300 368 550</p> <p>Email: john.whittington@dpipwe.tas.gov.au</p> <p>Postal address: GPO Box 44, Hobart, Tas 7001</p>
8.	State of Western Australia	<p>Department of Environment Regulation</p> <p>Name: Jim Sharp</p> <p>Position: Director-General</p> <p>Phone: (08) 9219 9000</p> <p>Email: jim.sharp@dpaw.wa.gov.au</p> <p>Postal address: Locked Bag 104, Bentley Delivery Centre, Perth, WA 6983</p>
9.	Northern Territory of Australia	<p>Department of Lands, Planning and the Environment</p> <p>Name: Alastair Shields</p> <p>Position: Chief Executive</p> <p>Phone: (08) 8999 4840</p> <p>Email: alastair.shields@nt.gov.au</p> <p>Postal address: PO Box 496, Palmerston, NT 0831</p>

Execution page

EXECUTED as a Memorandum of Understanding

SIGNED for and on behalf of the
Commonwealth of Australia as
represented by the **Minister for the
Environment**

Name (print)

Gregory A. HUNT

Signature



Date

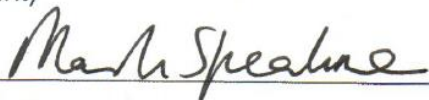
27-10-15

SIGNED for and on behalf of the State of
New South Wales as represented by the
Minister for the Environment

Name (print)

MARK SPEAKMAN

Signature



Date

28/10/16

SIGNED for and on behalf of the State of
Queensland as represented by the **Minister
for Environment and Heritage Protection
and Minister for National Parks and the
Great Barrier Reef**

Steven Miles

Name (print)



Signature

22 March 2017

Date

SIGNED for and on behalf of the State of
Victoria as represented by the **Minister
for Energy, Environment and Climate
Change**

Lily D'Ambrosio

Name (print)



Signature

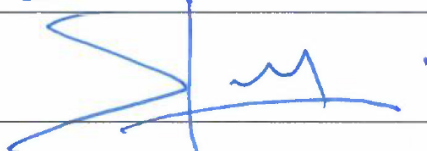
18/4/18

Date

SIGNED for and on behalf of the Australian
Capital Territory as represented by the
Minister for the Environment

Simon Corbell

Name (print)



Signature

26.11.15

Date

SIGNED for and on behalf of the State of
Tasmania as represented by the **Minister
for the Environment, Parks and
Heritage**

Name (print)

Signature

Date

MATTHEW GROOM.

16 DEC 2015

SIGNED for and on behalf of the State of
South Australia as represented by the
**Minister for Sustainability,
Environment and Conservation**

Name (print)

Signature

Date

SIGNED for and on behalf of the State of
Western Australia as represented by the
Minister for Environment

Name (print)

Signature

Date

Albert Jacob

Albert Jacob

15.9.15

SIGNED for and on behalf of the Northern
Territory of Australia as represented by the
Minister for the Environment

GARY JOHN HIGGINS
Name (print)


Signature

1 March 2016
Date