



**RECOVERY PLANNING – COMPLIANCE CHECKLIST FOR LEGISLATIVE AND PROCESS REQUIREMENTS**  
**to be provided with recovery plans for terrestrial threatened species and ecological communities**

This checklist guides assessment of a recovery plan against the legal requirements of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) and Regulations, and policy requirements of the Department of the Environment, Water, Heritage and the Arts (DEWHA). Authors need to complete and submit the checklist to DEWHA when submitting a final draft recovery plan. At this stage, authors should ensure plans are ready for publication (proof read, formatted, page numbered, etc). If any requirements have not been met, DEWHA may contact the author and/or seek expert opinion on changes, so that the plan qualifies for adoption or making. Further detail on the requirements can be found in the Recovery Planning Guidelines and the explanatory notes attached.

**Title of Plan:**

**Author:**

**Date of Plan:**

<b>Requirements</b>	<b>Meets requirements</b>	<b>Description of how the requirement has been met; OR reasons for not meeting a requirement</b>
<b>Processes To Be Followed During Development</b>	<b>Process followed?</b>	
<b>1. Consultation</b> with relevant State and Territory <b>Governments</b> and/or Australian Government Departments or agencies	<b>YES/NO</b>	<i>How requirement met:</i>
<b>2. Consultation</b> with relevant experts, interested parties, regional NRM bodies and <b>other stakeholders</b> , including those who will be responsible for implementing proposed actions	<b>YES/NO</b>	<i>How requirement met:</i>
<b>3. A formal period of consultation with the public</b> (NOTE: DEWHA places plans on public exhibition for 3 months, except where public exhibition has already been undertaken by States/Territories)	<b>YES/NO</b>	<i>How requirement met:</i>
<b>Issues To Be Considered During Development</b> These do not need to be specifically stated in the plan Has regard been had to the following:	<b>Issue considered?</b>	<b>Provide a statement on how you have considered these issues; OR provide reasons for not considering the issues</b>
<b>4. the Objects of the EPBC Act?</b> Object d) cooperative approach must be addressed here [ a)-c) met by having Recovery plan; e) see 5 below; f)-g) see 6 below ] EPBC Act s270(3)(a)	<b>YES/NO</b>	<i>How considered:</i>
<b>5. meeting Australia’s obligations under international agreements</b> relevant to the species/ecological community (EC) to which the plan relates? EPBC Act Object e) and s270(3)(d)	<b>YES/NO</b>	<i>How considered:</i>

<b>6. Indigenous people</b> EPBC Act Objects f) and g) and s270(3)(e) - roles and interests in the conservation of Australia's biodiversity? - use of knowledge of Indigenous people?	<b>YES/NO</b>	<i>How considered:</i>
<b>7.</b> minimising any significant adverse <b>social and economic impacts</b> , consistently with the principles of ecologically sustainable development? EPBC Act s270(3)(c)	<b>YES/NO</b>	<i>How considered:</i>
<b>8.</b> the most <b>efficient and effective use of resources</b> allocated for the conservation of species and ECs, including integration & linkages with existing management plans and programs? EPBC Act s270(3)(b)	<b>YES/NO</b>	<i>How considered:</i>
<b>Information to be included in the plan</b>	<b>Included in Plan? &amp; Page or Section no.</b>	<b>Provide a short summary of the relevant information from the plan; OR provide reasons for not meeting a requirement and how this will be rectified e.g. an action may be included in the plan to obtain the required information</b>
<b>Species/Community name and conservation status:</b> EPBC Act s269A		
<b>9.</b> Is the plan relevant to at least one species or EC listed as threatened under the EPBC Act? NOTE: The plan is not to review status - if the author believes at any point a status change may be warranted, contact DEWHA immediately (rather than when the plan is complete)	<b>YES/NO</b> <i>Page/Section:</i>	<i>Status:</i>
<b>10.</b> Are the taxonomic and common names/EC descriptions as listed in the EPBC Act included?	<b>YES/NO</b> <i>Page/Section:</i>	<i>Name/description:</i>
<b>Distribution:</b> EPBC Reg 7.11(1)(a) <b>11.</b> Does the plan adequately describe, with spatial information, the location of each species/EC within the Australian jurisdiction, OR state if the distribution is not known? (distribution outside Australia to be noted only). NOTE: If the information is confidential provide separately, and include generic information only within the plan. More detailed information eg. habitat types, tenure/landuse, population census data, should also be provided separately.	<b>YES/NO</b> <i>Page/Section:</i>	<i>Distribution:</i>
<b>Population/s:</b> EPBC Reg 7.11(1)(c) <b>12.</b> Does the plan describe with spatial information important populations necessary to long term recovery and survival OR state that important populations can't be identified/located?	<b>YES/NO</b> <i>Page/Section:</i>	<i>Population/s:</i>

<b>Habitat critical to survival:</b> EPBC Act s270(2)(d); s270(2A); Reg 7.09; 7.11(1)(b); 7.11(3)		
<b>13.</b> To the extent practicable, does the plan concisely define the habitats that are critical to the survival of the species or ecological community concerned, based on matters in EPBC Reg 7.09 (see notes attached )?	<b>YES/NO</b> <i>Page/Section:</i>	<i>Definition of habitat critical to survival:</i>
<b>14.</b> To the extent practicable, does the plan describe, with spatial information, these areas, OR state that habitat critical can't be located? NOTE: If this information is confidential, please provide separately, and include generic location information only within the plan.	<b>YES/NO</b> <i>Page/Section:</i>	<i>Location of habitat critical to survival:</i>
<b>Threats:</b> EPBC Act s270(2)(ca); s270(2)(e); s270(2A); Reg 7.11(1)(d)		
<b>15.</b> Does the plan identify the known and potential threats? NOTE: detailed analyses of threats, including relevant ecological information, should be provided separately.	<b>YES/NO</b> <i>Page/Section:</i>	<i>Threats:</i>
<b>16.</b> Does the plan identify, with spatial information, the areas affected by threats OR state that the areas affected and/or their location are not known?	<b>YES/NO</b> <i>Page/Section:</i>	<i>Location of threats:</i>
<b>17.</b> To the extent practicable, does the plan identify populations known to be under particular pressure of survival?	<b>YES/NO</b> <i>Page/Section:</i>	<i>Populations threatened:</i>
<b>Objectives:</b> EPBC Act s270(2)(a)		
<b>18.</b> Does the plan state appropriate objectives directly related to the recovery of the species, which can be achieved by implementing the proposed recovery actions?	<b>YES/NO</b> <i>Page/Section:</i>	<i>Objectives:</i>
<b>Performance Criteria and Evaluation:</b> EPBC Act s270(2)(b); s270(2)(g)(ii) ; s270(2A)		
<b>19.</b> Does the plan state measurable criteria that provide a suitable set of measures to assess achievement of the objectives?	<b>YES/NO</b> <i>Page/Section:</i>	<i>Performance criteria:</i>
<b>20.</b> To the extent practicable, does the plan identify who will be involved in evaluating the performance of the plan and when?	<b>YES/NO</b> <i>Page/Section:</i>	<i>Evaluation:</i>
<b>Actions:</b> EPBC Act s270(1); s270(2)(a), (c), (d) & (e); s270(2A); Reg 7.11(2)(a)		
<b>21.</b> Does the plan identify appropriate on-ground actions necessary to: – stop decline and support recovery? – achieve the objectives? – measure against all performance criteria? – reduce and manage the threats?	<b>YES/NO</b> <i>Page/Section:</i>	<i>Actions:</i>

<ul style="list-style-type: none"> <li>- protect and restore habitat, including habitat critical to survival (to the extent that it has been identified)?</li> <li>- protect important populations and populations under particular pressure (to the extent that they have been identified)?</li> <li>- fill critical information gaps?</li> </ul>		
<p><b>Cost:</b> EPBC Act s270(2)(f); s270(2A)  <b>22.</b> To the extent practicable, does the plan realistically estimate the duration and cost of the recovery process? NOTE: only costs specific to recovery should be included; funding already provided through other programs or for broader activities with indirect benefits can be identified, but should not be included as a cost of implementing the recovery plan</p>	<p><b>YES/NO</b>  Page/Section:</p>	<p><i>Cost and duration:</i></p>
<p><b>Management practices:</b> EPBC Act s270(1); Reg 7.11(2)(a); (b)  <b>23.</b> Does the plan identify to the extent possible the management practices necessary to avoid a significant adverse impact on the species or EC, any actions which could result in a significant impact, and broad activities which could benefit the species but aren't targeted to its recovery?</p>	<p><b>YES/NO</b>  Page/Section:</p>	<p><i>Management practices:</i></p>
<p><b>Biodiversity benefits/impacts:</b> EPBC Act s270(2)(h); s270(2A)  <b>24.</b> To the extent practicable, does the plan specify whether there are any major benefits or negative impacts to non-target native species or ECs that will be affected by the plan's implementation?</p>	<p><b>YES/NO</b>  Page/Section:</p>	<p><i>Biodiversity benefits/impacts:</i></p>
<p><b>Affected Interests:</b> EPBC Act s270(2)(g)(i); s270(2A)  <b>25.</b> To the extent practicable, does the plan identify interests that will be affected by the plan's adoption or implementation?</p>	<p><b>YES/NO</b>  Page/Section:</p>	<p><i>Affected Interests:</i></p>
<p><b>Social and Economic benefits/impacts:</b> EPBC Act s270(3)(c)  <b>26.</b> Does the plan briefly describe the social/economic benefits and impacts?</p>	<p><b>YES/NO</b>  Page/Section:</p>	<p><i>Social and economic benefits/impacts:</i></p>

**OFFICE USE ONLY**

THE DEPARTMENT OF THE ENVIRONMENT, WATER, HERITAGE AND THE ARTS RECOMMENDATION:

The recovery plan complies with the EPBC Act and regulations

NAME: \_\_\_\_\_

DATE: \_\_\_\_\_

## Explanatory notes for Recovery Planning Checklist

These notes provide details to guide those preparing recovery plans on the legislative and process requirements reported through the Compliance Checklist. The Checklist should be completed for recovery plans for terrestrial species and ecological communities submitted to the Australian Government Department of the Environment, Water, Heritage and the Arts (DEWHA) for adoption or making under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). The notes detail: 1) the processes to be followed during recovery plan development; 2) issues to be considered during development; and 3) information to be included in recovery plans. If a plan is unable to provide particular information or consider particular issues as specified, the checklist must clearly indicate why, and if appropriate the plan should include actions to correct/enhance the plan.

References in this document to ‘the Minister’ should be taken to mean the Australian Government Minister for the Environment; and to ‘species/communities’ as species and/or ecological communities listed as threatened under the EPBC Act.

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## Recovery Plans under the EPBC Act

Under the EPBC Act a recovery plan is required for nationally listed threatened species or ecological communities where a decision has been made by the Minister to have a recovery plan. In deciding to have a recovery plan, the Minister takes into account the recommendations of the Threatened Species Scientific Committee. All nationally listed threatened species need to have conservation advice.

Recovery plans are important management documents that enable recovery activities for species/communities to be approached within a planned and logical framework. They are used to aid natural resource management planning and in providing guidance on whether actions may have a significant impact (see EPBC Administrative Guidelines on Significance for more information on this [www.environment.gov.au/epbc/guidelines-policies.html](http://www.environment.gov.au/epbc/guidelines-policies.html)).

Recovery plans should be short and succinct, describing the key threats, and the specific recovery actions, based on all available information. They should be able to be read and understood easily and quickly, with obvious links between threats and recovery actions. Detailed information or explanations of threats, species biology, implementation, historical or cultural factors, that is not available in existing publications, may need to be compiled in a separate species profile or background/issues document.

Under the EPBC Act, the Minister can either **make** recovery plans (usually for species occurring only in Commonwealth areas) or **adopt** plans prepared and approved by State or Territory agencies. DEWHA manages the process of making and adopting recovery plans under the EPBC Act. The Threatened Species Scientific Committee (TSSC), an advisory committee established under the EPBC Act, provides advice to the Minister on each recovery plan's content and scientific merit, and the legislative requirements. If the plan is being made and the species/community occurs on State/Territory land, the Minister must write to the appropriate State/Territory governments to take their views into account and/or to seek to make the plan jointly. Plans are in force on the date the Minister signs the legislative instrument.

Plans may be for single or multiple species/communities, or a specific area, depending on the most suitable approach. A variety of plans are already in force under the EPBC Act and these may be viewed at [www.environment.gov.au/biodiversity/threatened/recovery.html](http://www.environment.gov.au/biodiversity/threatened/recovery.html). Multi-species or regional plans may cover a range of species/communities in the same area or with closely related requirements based on their habitats, threats or recovery actions. They may cover a combination of species/communities listed under the EPBC Act and State/Territory legislation, but will only be adopted for those listed under the EPBC Act.

Where a plan for a species/community does not cover the complete range such as, for wide-ranging species/communities in a regional plan, the plan must state this.

Where species/communities occur within States or self-governing Territories, plans should also be targeted to meet the requirements of State/Territory legislation or administrative processes, and additional information may need to be included for this purpose, even though it may not be needed to satisfy EPBC Act requirements. If plans cover only species/communities listed under State/Territory legislation or elsewhere, but not under the EPBC Act, they cannot be made or adopted under the EPBC Act.

If a recovery plan is adopted or made, public notice is given and copies made available. Plans normally cover a five-year period, but this can be shorter or longer depending on review outcomes. Reviews can take place at any time, but must occur at intervals not longer than 5 years. Reviews are used to determine whether variations are needed, and if a variation is undertaken, the complete process of public consultation, TSSC advice and Ministerial endorsement will be followed.

## 1) PROCESSES TO BE FOLLOWED DURING RECOVERY PLAN DEVELOPMENT

### Consultation with relevant State/Territory and Australian Government departments

In developing a recovery plan all relevant governments and government agencies must be consulted. This includes informing them of the development of the plan, requesting relevant information and data, sending circulation draft/s, and ensuring they agree to any mention of their agency and actions/management practices for which they are nominated as being responsible. Note that State/Territory or local governments agreement to text within a plan does not imply agreement to complete or to fund any action. Conversely, the Commonwealth is obliged, under the EPBC Act, to implement recovery plans within Commonwealth areas.

State/Territory government conservation agencies have responsibilities under their legislation for the listing and recovery of threatened species and communities. They are often the repositories for most of the detailed information available on species/communities within their jurisdictions. They must be involved, and will usually take the lead, in developing plans for species/communities within their jurisdictions. Plans prepared by or for State/Territory agencies can be adopted under the EPBC Act provided they meet the relevant requirements. If the State/Territory government is not the lead in preparing a plan, the author must understand the responsibilities and activities of these agencies, and ensure recovery is being addressed in a coordinated way. A list of relevant State and Territory contacts is provided at Appendix 1.

Other relevant governments or government agencies that may need to be consulted include:

- Norfolk Island Administration (for Norfolk Island);
- Parks Australia (PA) where the species/community occurs in an area managed by PA or where PA has biodiversity conservation responsibilities outside reserves; and
- Australian Government departments that have responsibilities for the jurisdictions covered, or for the actions or management practices e.g. Department of Infrastructure, Transport, Regional Development and Local Government, Australian Fisheries Management Authority, Australian Quarantine Inspection Service.

### Consultation with other stakeholders

In preparing a recovery plan, liaison with all relevant stakeholders (in addition to those specified above) is required. This includes all possible local government and non-government organisations and any individuals that:

- have jurisdiction of or other legal responsibilities within the range;
- have expertise, or involvement in management of, the species/community, habitat or potential threats;
- have an interest in relevant international responsibilities;
- are to be responsible for or involved in proposed actions or management practices; and/or
- could be affected by implementation of the plan.

Examples of potentially relevant individuals and organisations include local councils, Indigenous councils, recovery teams, research bodies, industry associations, experts on the species or threats, regional bodies, and any organisation proposing actions within the range.

Close consideration should particularly be given to the interests of Indigenous groups, and appropriate consultation should be undertaken before the plan is submitted for adoption or making.

In addition to informing stakeholders of development of the plan, and requesting any relevant information, authors should send circulation draft/s to all affected interests. This is to ensure the information is presented accurately and has been suitably interpreted to determine appropriate actions. If responsibility has been determined for actions, or actions could affect organisations or individuals, those concerned must agree that the action is appropriate and is their responsibility. This does not mean they necessarily have the resources to conduct the activity, and it does not have any associated obligation to implement the plan.

Where consultation has not occurred, reasons need to be provided.

### Formal period of public consultation

Before a plan is made/adopted there must be an opportunity for input by the general public. If this is provided for under State/Territory legislation or policy it is conducted by the relevant government. For plans being adopted from other States and Territories, or for all plans being made, DEWHA conducts a three month public exhibition. Availability of the plan for comment is advertised in the *Commonwealth Government Gazette*, on the Internet, in a daily national newspaper, and the draft plan is available on the Internet.

When deciding whether to adopt/make a plan the Minister must consider the comments received. All comments must therefore be considered in reviewing the plan, and in submitting the plan and checklist. A brief summary of any issues raised and how they were dealt with must be included. If necessary a more detailed account of who

provided comments, the nature of the comments, concerns or issues raised, and how the comments have been addressed can also be attached.

## **2) ISSUES TO BE CONSIDERED DURING RECOVERY PLAN DEVELOPMENT**

These issues must be taken into account during development and do not need to be stated in the plan, but must be reported on in the checklist.

### **Objects of the EPBC Act**

The EPBC Act s270(3)(a) specifies that consideration must be had to the objects of the Act. These are:

- a) to provide for the protection of the environment, especially those aspects of the environment that are matters of national environmental significance; and
- b) to promote ecologically sustainable development through the conservation and ecologically sustainable use of natural resources; and
- c) to promote the conservation of biodiversity; and
- ca) to provide for the protection and conservation of heritage; and
- d) to promote a co-operative approach to the protection and management of the environment involving governments, the community, land-holders and Indigenous peoples; and
- e) to assist in the co-operative implementation of Australia's international environmental responsibilities; and
- f) to recognise the role of Indigenous people in the conservation and ecologically sustainable use of Australia's biodiversity; and
- g) to promote the use of Indigenous peoples' knowledge of biodiversity with the involvement of, and in cooperation with, the owners of the knowledge.

For the purpose of assessing compliance, the TSSC has advised that Objects a), b) and c) will be regarded as having been inherently addressed by virtue of the purpose of a recovery plan. The remaining objects do not need to be included in the plan unless relevant but must be reported on in the checklist. Objects e), f) and g) are included in the checklist as questions on international responsibilities and Indigenous people (see below). For this requirement, the checklist needs only specifically address Object d) 'Co-operative approach'. In determining appropriate actions, responsibilities, costs, and management practices, regard must be given to all government, community, land-holder, and Indigenous interests and responsibilities. Wherever possible, actions must promote a co-operative, integrated approach, building on (and not duplicating) existing activities, legislation and programs.

### **International responsibilities**

In addition to the requirement to consider Object e) above, the EPBC Act s270(3)(d) specifies that regard must be had to meeting Australia's obligations under international agreements between Australia and one or more countries relevant to the species or ecological community to which the plan relates.

Australia's international responsibilities that may be relevant are listed in Appendix 2. Examples include: CITES and migratory species lists; occurrence in a World Heritage site, Ramsar wetland, Commonwealth reserve, Biosphere Reserve, the Antarctic or the ocean; and whether climate change is a threat. Relevance of these issues must be considered, and in proposing actions and management the author must ensure consistency with international responsibilities. If changes to current management or new activities are proposed, these should be negotiated with the relevant stakeholders. If the plan is not consistent with international agreements the checklist must detail this and justify the proposed approach.

### **Indigenous people**

In addition to the requirement to consider Objects of the EPBC Act f) and g) above, the EPBC Act s270(3)(e) specifies that regard must be had to the role and interests of Indigenous people in the conservation of Australia's biodiversity.

Indigenous people must be considered, their role in conservation recognised, and use of their knowledge promoted. If there is Indigenous knowledge relevant to species/community recovery, this should be used to develop the actions and management. If this is not possible (e.g. due to time/budget constraints for plan preparation), actions to incorporate this knowledge into ongoing recovery should be included.

If Indigenous people are considered to have interests in the region or species/community, and/or roles or involvement in implementation this should be included in the plan. As with other stakeholders, Indigenous peoples must be consulted (as per Section 1). In addition to reporting on the consultation undertaken the checklist should report on the use of Indigenous knowledge, consideration of Indigenous interests and roles in implementation. This



reporting should include any contact with or involvement of Indigenous peoples, and/or assessment of Indigenous interest by specialist groups. If there is judged to be no specific Indigenous interest this should be justified in the checklist.

This requirement is not relevant for Christmas and Norfolk Islands.

### **Social and economic impacts**

The EPBC Act s270(3)(c) specifies that regard must be had to minimising any significant adverse social and economic impacts, consistent with the principles of ecologically sustainable development.

In developing a recovery plan there needs to be consideration of any potential adverse social and economic impacts that may result from its implementation, and appropriate adjustment of proposed actions/practices to minimise and/or manage these impacts, in conjunction with consultation with those likely to be affected (see Section 1). The checklist must outline how the issues were considered and dealt with.

### **Resource Allocation**

The EPBC Act s270(3)(b) specifies that regard must be had to the most efficient and effective use of resources allocated for the conservation of species and ecological communities.

The checklist should summarise how the plan has made the most efficient and effective use of resources, particularly in the Actions, Costs and Management Practices sections. The relationship of the plan with existing or proposed management actions, practices or documents (e.g. National park management; State government, council, community or landholder activities; funding programs; other recovery plans; threat abatement plans; NRM plans; codes of practice etc.) should be considered, and the plan should include any appropriate linkages/integration that will result in efficient resource use and avoid unnecessary duplications.

## **3) INFORMATION TO BE INCLUDED IN RECOVERY PLANS**

The following text explains the information that should and should not be included within recovery plans. The information included in the plan should be summarised in the checklist, and any additional issues not within the plan explained, such as the need for confidential spatial information. Appendix 3 outlines suggested formats for presentation of this information, based on the type of plan.

### **Species/Community name and Conservation Status**

The EPBC Act s269A specifies that a recovery plan must be relevant to the protection, conservation and management of at least one species or ecological community listed as threatened under the EPBC Act.

The recovery plan should state which EPBC Act listed species/communities are addressed and their conservation status as listed under the EPBC Act. Any other listing under the EPBC Act should be included e.g. migratory species, along with any other legislative listings (State/Territory). If relevant, recent IUCN classifications should be noted only. Current EPBC Act listings can be obtained at [www.environment.gov.au/biodiversity/threatened](http://www.environment.gov.au/biodiversity/threatened). If plans cover only species/communities listed under State/Territory legislation or elsewhere, but not under the EPBC Act, they cannot be made or adopted under the EPBC Act.

The purpose of a recovery plan is not to review the conservation status of a species/community. However, recovery plans may contain data which are relevant to a potential review of conservation status. If, in accumulating information or in preparing a plan, the author believes a change in status may be warranted, DEWHA should be contacted immediately on how to proceed (rather than when the plan is complete). This will depend on the stage of plan development, and the type of change e.g. delisting versus change of threatened status.

The plan should use the taxonomic name or community title, and common name (if relevant) as listed under the EPBC Act. Any taxonomic synonyms or additional common names for species should be provided only if relevant e.g. locally used names. Species' descriptions are not to be included in the plan; however, for ecological communities the description/definition as per the EPBC Act listing should be included. If a community is listed under State/Territory legislation, any differences in the definition of the community under the two legislations should be outlined.

### **Distribution**

The EPBC Regulation 7.11(1)(a) specifies that a recovery plan must describe to the extent practicable, with spatial information, the location of the species or ecological communities for which it is made.

The plan must, unless there are no data, or conservation reasons for not doing so, include as briefly and accurately as possible a description of the distribution and location of the species/community in the Australian jurisdiction. This should include a note of the tenure/s of areas occupied. If the extent and location is not well known, in

particular if it cannot be spatially located or mapped, determining this information can be included as an action in the plan.

A map (or spatial data) of appropriate scale should be provided for the following:

- current known (or likely) national distribution;

and *only* if relevant:

- extent and geographic locations of populations within this distribution (if multiple populations - see 'Population' below); and
- historical distribution (only if plan has actions to re-introduce to former range)

Maps should be easily read in black and white, size A4 or smaller, and where relevant/possible show features such as major towns, national parks/nature reserves, and Commonwealth areas. More detailed maps at greater scales showing features such as habitat types, tenure/landuse, population census data etc. should be provided separately to DEWHA for use in a spatial database, or possibly within a background/issues document if one is necessary.

If the plan covers only part of the national range and the distribution not included in the plan cannot be briefly described, two maps may be needed, to show: 1) national distribution; and 2) distribution in the area covered by the plan (e.g. within a region).

Distributions beyond Australia should be briefly noted only. The plan should not take into account the extent and conservation status in other jurisdictions - 'widespread and abundant' elsewhere is not considered relevant to the need for recovery of an entity threatened within Australia. However, a restricted Australian distribution may indicate a relict or anomalous population or the limit of a geographic range. In these cases, genetic isolation and variation may be of interest in determining actions. In addition, where there is little information on the Australian population, relevant biological and ecological information from other jurisdictions (not threats and distribution) may be used to inform the Australian plan.

Where the publication of exact locations may compromise conservation, the reason should be stated in the checklist and spatial data supplied separately from the plan (this will remain confidential and not be publicly available). The map and/or text prepared for publication should indicate broad locations (e.g. large blobs) only. In addition, if the species is in a protected or other area for which a management plan is to be published, confidentiality of precise locations in such plans should be recommended (if necessary in a separate document).

### **Population/s**

EPBC Regulation 7.11(1)(c) specifies that a recovery plan must describe, to the extent practicable, with spatial information important populations of the species or ecological communities that are necessary for their long-term survival and recovery.

In order to identify important populations a plan should identify: how many populations there are; and whether any particular (sub) populations or the whole population is/are necessary for long-term survival and recovery and why, referring to their size and importance. Separate important (sub) populations should be identified spatially by reference to the location information provided under 'Distribution'. If information on the number of populations, their importance and/or their location is not available the plan should state this, and if appropriate include actions to remedy this.

A recovery plan for an ecological community should include similar information on important patches.

### **Habitat critical to survival**

The EPBC Act s270(2)(d) specifies that a recovery plan must, to the extent practicable, identify the habitats that are critical to the survival of the species or community concerned and the actions needed to protect those habitats; and the EPBC Regulations specify: 7.11(1)(b) that a recovery plan must describe to the extent practicable, with spatial information, areas of habitat that are critical to the survival of the species or ecological communities; and 7.11(3) that the criteria mentioned in Regulation 7.09 must be considered in identifying habitat that is critical to survival (Appendix 4 details these criteria).

The TSSC has advised that the concept of habitat critical to survival is not ecologically sensible for ecological communities, so this information is not required in plans for ecological communities.

A recovery plan must contain a concise definition of habitat that is critical for the survival of the species, based on the requirements of Regulation 7.09 (Appendix 4). The definition should be as precise as possible (not include buffers), based on habitat/landform/hydrology elements required by the species, and must be sufficient to distinguish these areas from areas of general habitat and habitat which is not used. If there is insufficient knowledge to define all or part of the habitat critical to survival, this must be stated and, if necessary an action included in the recovery plan to identify this habitat.

If the location of the elements making up habitat critical to survival is known, the plan must provide a map (or other spatial information). This can usually be included with the 'Distribution' map. If it is not possible to locate the areas of habitat critical to survival the plan should state this and if necessary include an action to rectify this.

Note that "habitat critical to survival" in recovery plans may be used to inform decisions related to the referral of actions and to inform determinations for the Register of Critical Habitat under the EPBC Act. However, more detailed information is required for listings on the Register than for recovery planning and this is a separate process requiring consultation with land owners before listing on the Register. Appendix 4 describes the difference between habitat critical to survival of a species (as required for a recovery plan) and Critical Habitat listing under the EPBC Act, and how the information may be used.

## **Threats**

The EPBC Act s270(2)(ca) specifies that a recovery plan must identify threats to the species or community; s270(2)(e) specifies that a recovery plan must, to the extent practicable, identify any populations of the species or community concerned that are under particular pressure of survival and the actions needed to protect those populations; and the EPBC Regulation 7.11(1)(d) specifies that a recovery plan must describe to the extent practicable, with spatial information, any areas that are affected by a threatening process.

The plan should meet these requirements by briefly describing known and potential threatening processes and areas and populations affected by each as concisely as possible. This should refer to the distribution and population information, and state whether any populations are known to be under particular or extreme threat or whether all populations are equally affected by threats. The plan should provide concise information on the extent, size and severity of each threat where relevant. Where possible threats should be listed in order of most to least severe. If the processes are complicated or require detailed explanation this should be done separately, in existing publications, a species profile, or in a background/ issues paper. If the threats and cause/s of decline are not known the plan should state this and include actions to identify or confirm suspected threats and to determine threat abatement activities.

Known threats are those for which there is reasonable evidence are causing or contributing to a decline, while potential threats are those for which there is no direct evidence but are highly likely to be causing or contributing to decline. The precautionary principle should be applied (lack of full scientific certainty should not be used as a reason for postponing a measure to prevent impacts), such that potential threats are determined on the basis of likelihood and not discounted on the basis of lack of evidence of a direct threat/impact (unless there is evidence of no threat). All threats which may be having an impact should be evaluated (concisely), even if the potential is low or no actions are currently possible to abate the threat - this should be noted. This will assist subsequent plan reviews in assessing altered conditions relating to possible threats.

Known and potential threats can include:

- off-site threats that may affect the species/community, or other species on which they are dependant; and
- causes as well as symptoms (e.g. weed invasion due to urban development or road construction).

If relevant, the plan should specify whether threats are a Weed of National Significance

([www.weeds.gov.au/weeds/lists/wons.html](http://www.weeds.gov.au/weeds/lists/wons.html)) or a listed Key Threatening Process ([www.environment.gov.au/biodiversity/threatened/ktp.html](http://www.environment.gov.au/biodiversity/threatened/ktp.html)).

Any biological or ecological factors directly relevant to a threat should be mentioned in the plan, e.g. complete dependence of a wetland plant community on a permanent supply of water. However, detailed information on biology and ecology relevant to threats should not be in the plan. If relevant, and not published elsewhere, this could be included in a separate species profile or background/issues document.

## **Recovery Objectives**

The EPBC Act s270(2)(a) specifies that a recovery plan must state the objectives to be achieved.

All objectives must be clear, specific, realistic, achievable and clearly related to recovery of the species (e.g. to increase the population by X within Y time, rather than to operate a recovery team). A plan may state an overall objective that cannot be achieved within the five-year duration of the plan, such as a change in the conservation status, however, specific objectives must be achievable within or at the end of the 5 years through implementation of the recovery actions. As far as possible, objectives should be measurable and quantifiable.

Objectives may address (but not be limited to) issues such as:

- reducing rate of decline;
- removing or reducing threatening processes;
- increasing number of populations, number or area of occurrences, area of habitat, overall distribution;
- determining threats and threat abatement activities; and/or

- determining habitat requirements or other ecological information, to define and manage habitat critical to survival and determine recovery and management actions, within specified timeframes.

### **Performance criteria and evaluation of success or failure**

The EPBC Act specifies that a recovery plan must: s270(2)(b) state criteria against which achievement of the objectives is to be measured (for example, a specified number and distribution of viable populations of a species or community, or the abatement of specific threats to a species or community); and s270(2)(g)(ii) identify organisations or persons who will be involved in evaluating the performance of the recovery plan.

A recovery plan must identify the criteria against which achievement towards each objective can be assessed. Performance criteria enable measurement of progress towards meeting the objectives and should enable assessment of success or failure. Criteria must be clear and , measurable, and each objective may have more than one criterion, but must have at least one. Actions to enable assessment of each criterion must be included in the plan. For example, the action of monitoring population size will allow assessment of population changes and decline rates.

A plan must state who will be involved in evaluating performance. A recovery team may be appropriate, but if not or there is no team, the plan should clarify who should be involved. The plan should also state how often or when it is envisaged that reviews and evaluations will take place. There must be a review at the latest within 5 years of the recovery plan's adoption/making. Regular reviews on the basis of the performance criteria will indicate whether the actions remain appropriate to achieving the objectives, or whether a different approach is needed.

If the plan is a review of a previously adopted or made plan, brief information on the success or failure of previous actions should be included in the new plan. This review should also be used to inform the proposed actions of the new plan.

### **Actions**

The EPBC Act specifies that a recovery plan must:

- s270(1) provide for the research and management actions necessary to stop the decline, and support the recovery, of the listed threatened species or listed threatened ecological community concerned so that its chances of long-term survival in nature are maximised;
- s270(2)(c) specify the actions needed to achieve the objectives;
- s270(2)(d) to the extent practicable [s270(2A)], identify habitats that are critical to the survival of the species/community concerned and the actions needed to protect those habitats; and
- s270(2)(e) to the extent practicable [s270(2A)], identify populations under particular pressure of survival and the actions needed to protect those populations.

The EPBC Regulation 7.11(2)(a) specifies that a recovery plan should state what must be done to stop the decline of, and support the recovery and survival of, the species or ecological community, including action:

- (i) to protect important populations; and
- (ii) to protect and restore habitat; and
- (iii) to manage and reduce threatening processes.

Actions must focus on stopping the decline and supporting recovery, through protecting/restoring habitat and important populations, and managing threats. The actions should relate directly to the objectives, and cover all local threats which are a priority and can be abated, even if already being undertaken as part of other initiatives or of benefit to other species/communities e.g. feral animal control, maintaining fire regimes. Actions to abate large-scale threats, which cannot be abated locally or are being managed through wider processes, should be included as 'Management Practices' (see below). Actions already being undertaken should be noted in the recovery plan as such and not be costed.

Actions should:

- be adaptive, to allow for changes in knowledge and results of reviewing success of previous actions;
- be determined on the basis of likelihood and not discounted by lack of evidence of a direct threat i.e. if it is likely an action will help it should continue until further information is available;
- be prioritised, with any relative timing noted i.e. dependence on other actions occurring or on outcomes of previous actions;
- allow all performance criteria to be assessed;
- be worded appropriately e.g. "determine threats and appropriate threat management activities, through investigating..." rather than "employ a researcher to ...";
- be integrated as far as possible into existing programs/activities; and
- consider and minimise potential negative effects on other native species/ecological communities and on social and economic factors.

Where multiple species/communities are included, a single list of actions for all entities should be determined (not separate actions for each). In determining these actions the requirements of each species/community need to be considered and prioritised.

Research actions are only appropriate where there are critical information gaps in determining recovery actions e.g. where the threats are unknown and therefore threat abatement unclear, the actions should include the necessary research to identify threats and possible abatement.

If the species/community is in an area that is a matter of National Environmental Significance e.g. Ramsar site, World Heritage or protected area, actions can include having information in the description of ecological character of a Ramsar site, or natural heritage values and attributes for a World Heritage property (and similarly for Register of the National Estate). This will need to be discussed with the relevant stakeholders (see Section 1). Information and recommendations for inclusion in wider conservation activities can also be included as recovery actions, for example in protected area management plans, local government instruments etc.

Where relevant, the location at which an action takes place should be included, based on the range, threat location, habitat, important populations, and/or tenure. If appropriate, responsibilities should be determined e.g. if an action can only be undertaken by a specific organisation or individual (such as actions within National Parks or relating to legislation), or if there are resource efficiencies in integrating with existing activities. All those who have been proposed as responsible for actions must be consulted (see Section 1).

Specific details of actions (e.g. scientific or technical information, nature of research to be undertaken or experimental design) should not be included in the plan. If required, this can be provided in separate operational documents, which can be updated and evolve over the recovery process in response to ongoing monitoring and evaluation.

### **Management practices**

In addition to the requirements of the EPBC Act outlined under 'Actions' above which can include management practices, the EPBC Regulation 7.11(2)(b) specifies that a recovery plan should state to the extent possible, what management practices are necessary to avoid a significant adverse impact on the species or ecological community.

Management practices are activities, policies or guidelines which are necessary to avoid a significant adverse impact on the species or ecological community, and activities/practices to manage large-scale threats which cannot be abated at the local level or are being managed through wider processes e.g. greenhouse gas reduction, salinity reduction, broadscale revegetation strategies.

The plan should outline all management practices necessary to avoid a significant adverse impact on the species/community, and/or wider management practices/programs which are not actions specifically required for recovery but would contribute to the species/community continued existence in the long-term. For example implementation of park management plans, continued quarantine surveillance, national greenhouse gas initiatives, noise pollution restrictions. The plan should provide information to assist in determining whether any proposed activities may have a significant impact (and therefore the potential need for environmental assessment and approval under the EPBC Act), based on information collated for the recovery plan. This includes listing the type of actions and their locations that could result in a significant impact (including impacts on the habitat critical to survival or on important populations) - for example, activities such as removing or changing particular elements of the habitat. For information on significance, including the criteria used to assist in determining whether impacts are likely to be significant, see the EPBC Administrative Guidelines on Significance at:

[www.environment.gov.au/epbc/guidelines-policies.html](http://www.environment.gov.au/epbc/guidelines-policies.html)

### **Costs**

The EPBC Act s270(2)(f) specifies that to the extent practicable, a recovery plan must state the estimated duration and cost of the recovery process.

A recovery plan should identify the estimated yearly and full total cost of undertaking the actions. Costs must be realistic and specific to recovery. A brief justification of expenditure should be provided, including issues such as: major costs, actions which are nil cost, actions involving employment, whether actions benefit other entities. Details of costings by action can be supplied separately.

Where actions are specifically required for recovery but not solely targeted to the species/community for which the plan is made, e.g. feral animal control, this must be noted in the 'Costs' and 'Biodiversity Benefits' sections. Actions not already being undertaken should be costed within the plan. Actions already taking place and funded as part of other initiatives e.g. park management, implementation of other recovery or management plans, or activities

already undertaken by landholders; or those for broader activities with indirect benefits (management practices), should not be costed. If the plan recommends extending current activities, expansion costs only should be included.

The duration and timing of each action can be included in the 'Actions', or in text justifying costs.

### **Social and economic impacts**

The EPBC Act s270(3)(c) specifies that regard must be had to minimising any significant adverse social and economic impacts, consistently with the principles of ecologically sustainable development.

In addition to adjusting the plan during development to minimise any significant adverse social and economic impacts (Section 2), the final version of the plan should include a brief summary of any remaining potential negative and positive social and economic impacts, whom they may affect, and any incentives available to off-set adverse impacts. If there are no adverse impacts anticipated as a result of implementing the plan this should be explicitly stated.

### **Affected interests**

The EPBC Act s270(2)(g)(i) specifies that to the extent practicable [s270(2A)], a recovery plan must identify interests that will be affected by the plan's implementation.

A recovery plan must list all affected interests. In particular this should include persons or organisations that have direct ownership or management responsibilities for the area covered, and those who will need to be involved e.g. government bodies, landholders, Indigenous people, community groups, regional NRM bodies. Affected interests should be listed specifically by title where possible, or through generic groupings if too numerous e.g. X landcare groups. The 'Actions' and 'Management' sections should briefly outline how affected interests are to be involved in implementation, while the 'Social and Economic Impacts' section should briefly discuss the potential positive and negative impacts involved. In developing the plan all affected interests (all relevant governments and other stakeholders) must be consulted as detailed under Section 1.

### **Benefits to other species/ecological communities**

The EPBC Act s270(2)(h) specifies that to the extent practicable [s270(2A)], a recovery plan must specify any major benefits to native species or ecological communities (other than those to which the plan relates) that will be affected by the plan's implementation.

The plan must identify if there are any broader biodiversity benefits to be gained from implementation of the plan and how these can most effectively be maximised and achieved (e.g. conservation agreements with landholders, increases in public awareness, threat abatement activities etc). Where actions or management practices required to recover the species/community will also benefit other species, the costs for these actions must indicate this (in 'Actions' and 'Costs' sections). In determining appropriate recovery actions, potential negative effects on other native species and ecological communities must also be considered and minimised. However, if there are any negative impacts or perceived negative impacts to non-target species or an ecological community that may arise from implementation, the plan should identify these and explain why the action is justified.

## APPENDIX 1 State and Territory Government Threatened Species Contacts

<p>Australian Capital Territory</p>	<p>Wildlife Research and Monitoring Section Parks, Conservation and Lands - Department of Territory and Municipal Services PO Box 144 LYNEHAM ACT 2602 Phone: 02 6207 1911 Fax: 02 6207 2122</p>
<p>New South Wales</p>	<p>Biodiversity Conservation Unit NSW Department of Environment and Climate Change PO Box A290 SYDNEY SOUTH NSW 1232 Phone: 02 9995 6735 Fax: 02 9995 6791</p>
<p>Northern Territory</p>	<p>Biodiversity Conservation Unit Department of Natural Resources, Environment and the Arts PO Box 1120 ALICE SPRINGS NT 0871 Phone: 08 8951 8250 Fax: 08 8951 8290</p>
<p>Queensland</p>	<p>Threatened Species and Ecosystems Unit Conservation Service Division Environmental Protection Agency PO Box 15155 CITY EAST QLD 4002 Phone: 07 3227 7714 Fax: 07 3227 6386</p>
<p>South Australia</p>	<p>Threatened Species and Ecological Communities Unit Nature Conservation Branch Department for Environment and Heritage GPO Box 1047 ADELAIDE SA 5001 Phone: 08 8124 4797 Fax: 08 8463 4818</p>
<p>Tasmania</p>	<p>Threatened Species Unit Department of Primary Industries and Water GPO Box 44A HOBART TAS 7001 Phone: 03 6233 6139 Fax: 03 6233 3477</p>
<p>Victoria</p>	<p>Threatened Flora and Fauna Unit Department of Natural Resources and Environment PO Box 500 EAST MELBOURNE VIC 3002 Phone: 03 9412 4232 Fax: 03 9412 4803</p>
<p>Western Australia</p>	<p>Threatened Species and Communities Unit Department of Conservation and Land Management PO Box 51 WANNEROO WA 6946 Phone: 08 9405 5128 Fax: 08 9306 1066</p>
<p>Australian Government</p>	<p>Recovery Planning and Implementation Section Strategic Approvals and Legislation Branch Department of the Environment, Water, Heritage and the Arts GPO Box 787 CANBERRA ACT 2601 Phone: 02 6275 9234 Fax: 02 6274 2875</p>

## **APPENDIX 2 - International environmental responsibilities**

Australia's international environmental responsibilities that may be relevant to recovery planning include:

- managing the international movement of wildlife specimens, under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES);
- managing migratory birds, under the Japan Australia Migratory Bird Agreement (JAMBA), China Australia Migratory Bird Agreement (CAMBA), and Convention on Conservation of Migratory Species of Wild Animals (CMS/Bonn Convention); and
- managing wetlands of international importance, under the Convention on Wetlands of International Importance (Ramsar Convention);
- managing Biosphere Reserves, under the Man and the Biosphere program of the United Nations Educational, Scientific and Cultural Organization (UNESCO);
- managing World Heritage sites, under the Convention for the Protection of World Cultural and Natural Heritage (World Heritage Convention);
- managing Commonwealth reserves, declared under the EPBC Act in areas outside Australia that the Commonwealth has international obligations to protect;
- managing biodiversity, under the Convention on Biodiversity (Biodiversity Convention);
- managing whale conservation, under the International Convention for the Regulation of Whaling;
- managing the Antarctic environment under the Antarctic Treaty and the Convention on the Conservation of Antarctic Living Marine Resources;
- managing rangelands, under the United Nations Convention to Combat Desertification in those Countries Experiencing Serious Drought and/or Desertification, particularly in Africa;
- managing resources of the sea and uses of the ocean, under the United Nations Convention on the Law of the Sea (UNCLOS);
- managing greenhouse gas emissions, under the United Nations Framework Convention on Climate Change
- managing international trade through the World Trade Organisation (WTO) and related processes governing international trade;
- managing migratory and endangered species, wildlife habitat and terrestrial ecosystems, under the Convention on Conservation of Nature in the South Pacific (Apia Convention)

For more information see:

Australia's international role in conserving biodiversity

[www.environment.gov.au/biodiversity/international](http://www.environment.gov.au/biodiversity/international)

National Oceans Office information on Preservation and protection of the environment

[www.environment.gov.au/coasts/oceans-policy/publications/intl-agreements.html](http://www.environment.gov.au/coasts/oceans-policy/publications/intl-agreements.html)



### **APPENDIX 3 Format of a Recovery Plan**

The format of a recovery plan may differ depending on the nature and type of plan. All should be as concise as possible, with reference to supporting documents if more detailed explanation or information is required. Supporting documents include species profiles, existing reports/publications and/or background/issues or operational documents prepared concurrently with the plan. If required a separate ***Background/issues document*** may include a detailed analysis of threats; and/or historical, cultural or biological information on the species/region. This document may be made publicly available with the recovery plan. Plans being 'made' will be authored by the Commonwealth of Australia, and acknowledge contributions of those preparing the plan. A standard template will be provided to those preparing draft plans for making. Suggested content of various types of recovery plans (based on EPBC Act requirements) are:

**Regional Plan-** format may depend on other requirements. The following items must be included:

- Area covered by plan
- Entities covered (name and conservations status and whether full/part range covered)
- Distribution and populations (brief text describing distribution and important populations overall, referring to appendix for each species/community)
- Habitat critical to survival (brief text describing habitat critical overall, referring to appendix for each species/community)
- Threats (including location of threats and populations under threat)
- Objectives
- Performance criteria (including evaluation of performance)
- Actions
- Costs
- Management practices
- Affected interests
- Social and economic impacts/benefits
- Biodiversity benefits/impacts

#### ***Appendices***

Information on each species/community: Distribution of each within region and map/spatial data; Description of population/s and map/spatial data; Definition of habitat critical to survival of each species and map/spatial data

### **Multi-species/communities plan**

- Names and conservation status' of entities covered
- Distribution and populations (brief text describing distribution and important populations of each, referring to appendix for spatial data)
- Habitat critical to survival (brief text defining habitat critical for each referring to appendix for map/spatial data)
- Threats (including location of threats and populations under threat)
- Objectives
- Performance criteria (including evaluation of performance)
- Actions
- Costs
- Management practices
- Affected interests
- Social and economic impacts/benefits
- Biodiversity benefits/impacts

#### ***Appendices***

Information on each species/community: Distribution map/spatial data, Population locations, Habitat critical to survival of each species and map/spatial data

## **Single species/community plan**

### Species/community information

Name and conservation status; Distribution description and map/spatial data); Population/s description and map/spatial data; Habitat critical to survival definition and map/spatial data.

Threats (including location & populations under threat)

### Recovery information:

Objectives

Performance criteria (including evaluation of performance)

Actions

Costs

Management practices

Affected interests

Social and economic impacts/benefits

Biodiversity benefits/impacts

## APPENDIX 4 Habitat critical to survival and Critical Habitat

### Defining habitat critical to survival

Under EPBC Regulation 7.09, identifying habitat which is critical to survival may take into account the following matters:

- a. Whether the habitat is used during periods of stress (e.g. flood, drought, fire);
- b. Whether the habitat is used to meet essential life cycle requirements (e.g. foraging, breeding, nesting, roosting, social behaviour patterns or seed dispersal processes);
- c. The extent to which the habitat is used by important populations;
- d. Whether the habitat is necessary to maintain genetic diversity and long-term evolutionary development;
- e. Whether the habitat is necessary for use as corridors to allow the species to move freely between sites used to meet essential life cycle requirements;
- f. Whether the habitat is necessary to ensure the long-term future of the species or ecological community through reintroduction or re-colonisation;
- g. Any other way in which habitat may be critical to the survival of a listed threatened species or a listed threatened ecological community.

Factors which should be considered when interpreting the above matters include:

- areas that may not be occupied by the species/community but are essential for the maintenance of those areas where they do occur (e.g. the catchment of a wetland community);
- habitat critical for **core or important populations or occurrences**, as opposed to the full area occupied (particularly for vulnerable species/communities);
- **common habitats critical to survival** across the species/communities covered by your plan;
- **potential habitats** which may be currently unoccupied but present opportunities for reintroduction or reinvasion, and which need to be protected and/or rehabilitated to ensure the long-term future of the species/community.

### Listing and protection of habitat critical to survival as ‘Critical Habitat’

The Commonwealth Environment Minister may identify and list in a Register (created under the EPBC Act) habitat identified as being critical to the survival of a listed threatened species or ecological community. Habitat listed in the Register in relation to a species or ecological community is ‘*critical habitat*’ for the species or ecological community under the EPBC Act.

For the purposes of recovery planning areas of ‘habitat critical to survival’ need to be identified and mapped *to the extent practicable*. However, in order for this habitat to be considered for inclusion on the Register of Critical Habitat the habitat must be able to be accurately identified and located - under Regulation 7.10(1) a description of habitat listed in the Register must include: enough information to identify the habitat, including its location and extent; and the reasons the habitat was identified as Critical Habitat.

When making or adopting a recovery plan, the Minister must consider whether to list habitat identified in the recovery plan as Critical Habitat. Factors considered in this decision include advice from the TSSC, whether there are any conservation benefits in the listing, and whether the requirements of the EPBC Act and Regulations can be met. There is no legal provision for public nomination of Critical Habitat. Before listing habitat in the Register, if the habitat is not in a Commonwealth area, the Minister must be satisfied that all reasonable steps have been taken to consult with the owner of the property where the habitat is located.

Information on the Register of Critical Habitat is publicly available unless the Minister believes it is necessary to keep the information confidential to protect the species, community or the habitat, and/or to protect the interests of relevant landholders.

Under the EPBC Act, it is an offence for a person to take an action that the person knows will significantly damage listed Critical Habitat of a threatened species (except a species in the conservation dependent category), or a threatened ecological community, if the Critical Habitat is in a Commonwealth area. Damaging listed Critical Habitat in a Commonwealth area is punishable by a fine of up to \$110,000 or imprisonment for up to two years, or both.

If a Commonwealth agency wants to sell land that contains listed Critical Habitat, the agency must ensure that the sale contract includes a covenant to protect the Critical Habitat.

### **Use of habitat critical to survival and Critical Habitat information in EPBC Act referrals**

Under the EPBC Act assessment and approval is required for actions that are likely to have a significant impact on:

- a matter of national environmental significance
- the environment of Commonwealth land (even if taken outside Commonwealth land)
- the environment anywhere in the world (if the action is undertaken by the Commonwealth).

An action includes a project, development, undertaking, activity, or series of activities. When a person proposes to take an action that they believe may need approval under the EPBC Act, they must refer the proposal to the Commonwealth Environment Minister.

Listed threatened species and communities are one matter of National Environmental Significance (NES).

Administrative guidelines on the significance of impacts are available at:

<http://www.environment.gov.au/epbc/guidelines-policies.html#threatened>

These guidelines include criteria which are intended to assist in determining whether the impact of an action on any matter of NES is likely to be significant.

Some of the criteria for assessing the significance of an action on threatened species/communities refer to the concept of 'habitat critical to the survival of a species or ecological community'. This includes the habitat critical to survival identified in recovery plans, and habitat listed on the Register of Critical Habitat. For example "An action has, will have, or is likely to have a significant impact on a critically endangered or endangered species if it does, will, or is likely to: ... adversely affect habitat critical to the survival of a species ... "

The absence of a recovery plan or the fact that an area may not be listed on the Register of Critical Habitat does not mean that there is no habitat critical to the survival of the species or community. Information provided in the recovery plan on habitat critical to survival is one of many sources of information used to provide guidance on the likelihood of a proposed action having a significant impact.