



Commonwealth of Australia

Statement of reasons for granting an exemption under section 158 of the *Environment Protection and Biodiversity Conservation Act 1999 (Cth)*

I, Greg Hunt, Minister for the Environment, provide this statement of reasons for my decision under subsection 158(3) of the *Environment Protection and Biodiversity Conservation Act 1999 (Cth)* (**EPBC Act**) to grant an exemption for Dr Ian Gynther of the Queensland Department of Environment and Heritage Protection and those acting on his behalf from the Queensland Department of Environment and Heritage Protection and University of Queensland, from the application of all of the provisions of Part 3 and Chapter 4 of the EPBC Act in relation to the following action:

The capture, removal and establishment of a captive colony of Bramble Cay melomys (*Melomys rubicola*) from Bramble Cay, Queensland, including but not limited to:

- the capture of as many individuals as possible Bramble Cay so as to establish a captive colony for conservation purposes;
- holding Bramble Cay melomys (*Melomys rubicola*) in captivity;
- captive husbandry of the Bramble Cay melomys.
- establish a captive colony at the University of Queensland's Gatton campus.

Legislation

Section 158 of the EPBC Act provides:

158 Exemptions from Part 3 and this Chapter

- (1) A person proposing to take a controlled action, or the designated proponent of an action, may apply in writing to the Minister for an exemption from a specified provision of Part 3 or of this Chapter.
- (2) The Minister must decide within 20 business days of receiving the application whether or not to grant the exemption.
- (3) The Minister may, by written notice, exempt a specified person from the application of a specified provision of Part 3 or of this Chapter in relation to a specified action.
- (4) The Minister may do so only if he or she is satisfied that it is in the national interest that the provision not apply in relation to the person or the action.

- (5) In determining the national interest, the Minister may consider Australia's defence or security or a national emergency. This does not limit the matters the Minister may consider.
- (6) A provision specified in the notice does not apply in relation to the specified person or action on or after the day specified in the notice. The Minister must not specify a day earlier than the day the notice is made.
- (7) Within 10 business days after making the notice, the Minister must:
 - (a) publish a copy of the notice and his or her reasons for granting the exemption in accordance with the regulations; and
 - (b) give a copy of the notice to the person specified in the notice.

Background

1. On 27 August 2014 the Department of the Environment received an email from Dr Ian Gynther, Senior Conservation Officer, Threatened Species Unit, Department of Environment and Heritage Protection, in which he applied for an exemption under section 158 of the EPBC Act in relation to the proposal by the Department of Environment and Heritage Protection (Queensland), to take emergency conservation action in an attempt to avert the extinction of the Bramble Cay melomys (*Melomys rubicola*).
2. The action proposed is to capture, remove and establish a captive colony of Bramble Cay melomys from Bramble Cay at the University of Queensland under a Captive Breeding Agreement between the Queensland Government and the University.
3. It is proposed that the captive colony will be the source for a long term translocation programme to re-establish the Bramble Cay melomys back into the wild.

Evidence

4. The evidence or other material on which my findings were based was a brief from my Department dated 1 September 2014. That brief attached:
 - a. the application of 27 August 2014 from Dr Ian Gynther;
 - b. a copy of section 158 of the EPBC Act;
 - c. a copy of the Recovery Plan for the Bramble Cay Bramble Cay melomys (*Melomys rubicola*) (**Recovery Plan**).

Findings

Risks to the Bramble Cay melomys

5. Bramble Cay melomys, *Melomys rubicola*, is listed as endangered under the EPBC Act. The species is endemic to Bramble Cay (Maizub Kaur), a small vegetated sand cay (~4 hectares) located in the north-east Torres Strait.

6. It was estimated a maximum of several hundred individuals were present on Bramble Cay in December 1978. The species remained reasonably abundant until at least 1998, when a population of 93 animals was estimated from the capture of 42 individuals. Surveys undertaken in 2002 and 2004 caught 10 and 12 animals, respectively, suggesting the population had declined. Recent surveys in December 2011 and March 2014 failed to capture any individuals.
7. The outcome of these surveys suggests it is unlikely the Bramble Cay melomys still occurs on the island. However, the results were equivocal due to the relatively low trap effort resulting from the short survey durations, combined with the necessity to restrict transects to areas where traps were less likely to be damaged by nesting turtles.
8. A national recovery plan is in place that identifies annual monitoring of both the Bramble Cay melomys and its habitat as high priority actions, together with surveys of other islands and the Fly River region of Papua New Guinea, to locate additional populations. Despite extensive survey work, no other populations of Bramble Cay melomys have been located.
9. Bramble Cay is subject to erosion processes. An assessment of the cay in March 2014 identified that severe erosion had reduced the cay's size from approximately 4 hectares in 1998 to only 2.5 hectares, the smallest area documented for the island to date.
10. The herbaceous vegetation on Bramble Cay is vital as both a food resource and for providing shelter for Bramble Cay melomys. During the March 2014 monitoring work, the extent of vegetation on the cay was found to have declined dramatically from the approximately 2.2 hectares present in 2004 to only 0.065 hectares, representing a 97% loss over a decade.
11. The most plausible causes of the recent dramatic loss of the island's overall size, vegetation extent and floristic diversity are extreme weather events, perhaps coupled with high tides and storm surges, producing severe erosional forces and waves washing over the cay. These impacts have the potential to be catastrophic for the Bramble Cay melomys population.
12. In response to these issues, the Queensland Government proposes that direct and immediate intervention will be required to save the species, involving actions beyond those outlined in the current recovery plan for the Bramble Cay melomys. The Action Plan for Australian Mammals 2012 in identifying the species as Critically Endangered (Possibly Extinct), recommends establishing a captive population or translocating the species to another, carefully selected, island.
13. The Queensland government therefore plans to:
 - a. as a matter of urgency, conduct a comprehensive survey of Bramble Cay in winter (September 2014), when turtles are absent, so that an assessment of the status of the Bramble Cay melomys can be made more confidently; and
 - b. secure any individuals trapped during the survey in a captive facility on the mainland to safeguard the species against extinction.

Captive colony

14. A Captive Breeding Agreement to establish a colony of Bramble Cay melomys at the University of Queensland's Gatton campus has been approved by the Queensland Government. The Agreement also proposes a long term translocation programme to re-establish the Bramble Cay melomys back into the wild.
15. The proposed captive breeding program has multiple objectives:
 - a. insurance against extinction in the wild;
 - b. improve the conservation status of the species;
 - c. increase the number of free-living populations and locations;
 - d. allow animals to be returned to Bramble Cay, assuming threats there have been ameliorated, or translocated to other suitable islands; and
 - e. actively promote conservation of the Bramble Cay melomys.
16. The University of Queensland has a history of successful, disease free management of captive breeding programs for native mammals and an ongoing interest in maintaining populations of threatened species.

Application of Part 3 and Chapter 4 of the EPBC Act

17. My Department has advised Dr Ian Gynther that the proposed action may be covered by Part 3 of the EPBC Act and require assessment and approval under Chapter 4 of the EPBC Act. If this were to occur, the implementation of the program would be delayed by at least four weeks if the action was determined to be a not a controlled action, but potentially delayed for many months if determined to be a controlled action.

Reasons

18. In light of the matters discussed in paragraphs 1 – 17 above, I concluded that:
 - a. there is a high risk that the endangered Bramble Cay melomys population may already be lost;
 - b. due to the rapid, ongoing and severe degradation of their island habitat, establishing a captive colony is required to prevent the extinction of the Bramble Cay melomys, should any members of the species still be present on the island;
 - c. establishing a captive colony would provide the opportunity for a long term translocation programme to re-establish the Bramble Cay melomys back into the wild;
 - d. the University of Queensland is appropriately skilled with an established track record of successful, disease free management of captive breeding programs for native mammals and an ongoing interest in maintaining populations of threatened species; and
 - e. the implementation of the proposed captive colony could be unduly delayed if the provisions of Part 3 and Chapter 4 of the EPBC Act were to apply to the program.

19. For these reasons, I was satisfied that it was in the national interest that all of the provisions of Part 3 and Chapter 4 of the EPBC Act not apply in relation to the capture, removal and establishment of a captive colony of Bramble Cay melomys (*Melomys rubicola*) from Bramble Cay, Queensland as described above.
20. Accordingly, I decided to exempt Dr Ian Gynther of the Queensland Department of Environment and Heritage Protection and those acting on his behalf from the Queensland Department of Environment and Heritage Protection and University of Queensland, from the application of all of the provisions of Part 3 and Chapter 4 of the EPBC Act in relation to the action described above.



Minister for the Environment

3 / Sept / 2014