

EXPLANATORY STATEMENT

Environment Protection and Biodiversity Conservation Act 1999

Instrument under section 194D

(Issued under the Authority of the Minister for the Environment and Water Resources)

The *Environment Protection and Biodiversity Conservation Act 1999* (the Act) places certain obligations on the Commonwealth to protect and conserve threatened species. Among these is the obligation to establish and amend lists of threatened species, threatened ecological communities and key threatening processes.

Section 194D of the Act provides for the Minister to determine one or more conservation themes that the Minister considers should be given priority in relation to an assessment period. Subsection 194D(3) of the Act provides for the Minister to request advice from the Threatened Species Scientific Committee (the Committee), established under section 502 of the Act, and have regard to that advice when determining a conservation theme.

The purpose of this instrument is to establish “*Rivers, wetlands and groundwater dependent species and ecosystems of inland Australia*” as the conservation theme to be given priority for the assessment period commencing 1 October 2008. This theme was recommended to the Minister by the Committee, which considered that inland aquatic ecosystems are impacted by drought and flooding, flow regulation and land use change, and will be among ecosystems most quickly impacted by climate change. The Committee also noted that existing listings address many threatened terrestrial species and ecological communities. Aquatic species and ecosystems, however, are relatively underrepresented on the EPBC Act lists. Therefore, the Committee considered that some prioritisation of aquatic species and ecosystems would be warranted.

The instrument commenced on the day after it was registered on the Federal Register of Legislative Instruments. Section 42 of the *Legislative Instruments Act 2003* does not apply to this Instrument.