EXPLANATORY STATEMENT

Environment Protection and Biodiversity Conservation Act 1999

Instrument under section 194D

(Issued under the Authority of the Minister for the Environment, Heritage and the Arts)

The Environment Protection and Biodiversity Conservation Act 1999 (the EPBC 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 EPBC 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 EPBC Act provides the Minister may request advice from the Threatened Species Scientific Committee (the TSSC), established under section 502 of the EPBC Act, and may have regard to that advice when determining a conservation theme.

The purpose of this instrument is to establish “Terrestrial, estuarine and near-shore environments of Australia’s coasts” and “Rivers, wetlands and groundwater dependent species and ecosystems of inland Australia” as the conservation themes to be given priority for the assessment period commencing 1 October 2009. These themes were recommended to the Minister by the TSSC, which advised at its meeting on 2–4 September 2008 that terrestrial, estuarine and near-shore ecosystems are vulnerable to ongoing development pressures, and that all of these ecosystems will be potentially impacted upon by climate change. The TSSC also advised that inland aquatic ecosystems are impacted by drought and flooding, flow regulation and land use change. The Minister had regard to the advice of the TSSC, and has determined that prioritisation of these conservation themes is warranted.

The instrument is to commence on the day after it becomes registered on the Federal Register of Legislative Instruments. Section 42 of the Legislative Instruments Act 2003 does not apply to this instrument (subsection 194D(4) of the EPBC Act).