EXPLANATORY STATEMENT

Environment Protection and Biodiversity Conservation Act 1999

Instrument under section 184(1)(a)

(Issued under the Authority of the Minister for Sustainability, Environment, Water, Population and Communities)

The Environment Protection and Biodiversity Conservation Act 1999 (the Act) provides for the protection of the environment and conservation of biodiversity, including the protection and conservation of threatened species.

Section 183 of the Act provides for a list of key threatening processes (the List). Section 184 of the Act provides that the Minister may, by legislative instrument, amend the List to include an item in the List or delete an item from the List.

The process for making amendments to the List is set out in Part 13, Division 1, Subdivision AA of the Act.

The purpose of this Instrument is to amend the List by:

- including ‘Novel biota and their impact on biodiversity’.

Consultation was undertaken before the Instrument was made, in accordance with the process outlined in Part 13, Division 1, Subdivision AA of the Act.

The Threatened Species Scientific Committee (the Committee):

- nominated the key threatening process and recommended it for inclusion in the Finalised Priority Assessment List for the assessment period commencing 1 October 2008;
- published the Finalised Priority Assessment List September 2008 on the Departmental website; and
- sought public comment on whether the nominated key threatening process was eligible for inclusion in the List.

The period for public comment was 38 business days between 5 May 2010 and 28 June 2010. No comments were received.

The Committee also consulted specific parties with relevant expertise regarding their views including:

- University and institutional researchers with relevant expertise
- All Natural Resource Management and Conservation Management Authorities
- Conservation and land management groups
- Desert Knowledge Cooperative Research Centre
– National Herbariums and Botanic Gardens
– National Biosecurity Committee
– Invasive Animals Cooperative Research Centre and Invasive Species Council
– National Farmers Federation and other industry groups.
– The Indigenous Advisory Committee
– State and territory museum researchers
– Relevant federal, state and territory government departments
– All state and territory threatened species scientific committees

The Committee prepared a written assessment of whether the nominated species were eligible for inclusion in the List. The written assessments were provided to the Minister and considered in relation to the making of the Instrument.

This Instrument is a legislative instrument for the purposes of the Legislative Instruments Act 2003.

The Instrument commenced on the day after it was registered on the Federal Register of Legislative Instruments.

**Statement of Compatibility with Human Rights**

The Instrument is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the Human Rights (Parliamentary Scrutiny) Act 2011 (Cth). The Instrument does not engage any of the applicable rights or freedoms.

**Authority:** Section 184(1)(d) of the Environment Protection and Biodiversity Conservation Act 1999 (Cth).