

# **EXPLANATORY STATEMENT**

## *Environment Protection and Biodiversity Conservation Act 1999*

### **Instrument under section 184(1)(a)**

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

The *Environment Protection and Biodiversity Conservation Act 1999* (the Act) places certain obligations on the Commonwealth to protect and conserve threatened ecological communities.

The purpose of this instrument is to amend the list of threatened ecological communities under the Act in accordance with section 184(1)(a) of the Act by including in the list in the endangered category:

- Alpine *Sphagnum* Bogs and Associated Fens

as recommended by the Threatened Species Scientific Committee (the Committee), having regard to the definition of endangered ecological communities in s182 of the Act.

The Committee concluded that the Alpine *Sphagnum* Bogs and Associated Fens ecological community met the criteria specified in Division 7.1 of the *Environment Protection and Biodiversity Conservation Regulations 2000*, as follows:

- Criterion 2 as endangered because its geographic distribution is restricted and the nature of its distribution makes it likely that the action of a threatening process could cause it to be lost in the near future;
- Criterion 3 as endangered because the decline of functionally important species is severe to the extent that restoration of the community is not likely to be possible in the near future; and
- Criterion 4 as endangered because the reduction in community integrity across most of its geographic distribution is such that regeneration is unlikely to occur in the near future even with positive human intervention.

On the basis of the advice of the Committee, I am satisfied that this ecological community is eligible to be included in the endangered category. In deciding to include it in the list, I only considered matters that relate to whether the ecological community is eligible to be included in that category, or the effect that including the ecological community in that category could have on the survival of the ecological community.

Consultation on the nomination to amend the list of threatened ecological communities under the Act to include this ecological community was undertaken before the legislative instrument was made. The nomination was placed on public exhibition, and public comments were sought as required by the Act. Parties with relevant expertise were directly consulted regarding their views.

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.