EXPLANATORY STATEMENT

Environment Protection and Biodiversity Conservation Act 1999
Variation to Instrument under section 279

(Issued under 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 species and ecological communities, and to ensure threat abatement plans are in force under the Act.

Section 270B of the Act enables the Minister to make a threat abatement plan for the purpose of reducing the effects of a key threatening process. On 7 July 1999, notice was published in the Commonwealth of Australia Government Notices Gazette (No. GN 27) that the threat abatement plan titled *Threat Abatement Plan for Predation by Feral Cats*, for the key threatening process, predation by feral cats, had been made.

Subsection 279(2) of the Act requires the Minister to review threat abatement plans at intervals of not longer than five years. Subsection 279(3) of the Act allows the Minister to vary a plan if the Minister considers such a variation necessary.

The purpose of this instrument is to vary the Threat Abatement Plan for Predation by Feral Cats (1999) by replacing it with the following instrument:

- Threat abatement plan for predation by feral cats (2008).

The plan sets out the research, management and other actions necessary to reduce the key threatening process concerned to an acceptable level in order to maximise the chances of the long-term survival in nature of native species and ecological communities affected by the process.

Subsection 279(4) provides that the Minister must not vary a plan, unless the plan, as so varied, continues to meet the requirements of section 270 or 271, as the case may be. The threat abatement plan has been assessed and complies with section 271 of the Act and regulation 7.12 of the *Environment Protection and Biodiversity Conservation Regulations 2000.*

Subsection 279(5) provides that before varying a plan, the Minister must obtain and consider advice from the Scientific Committee on the content of the variation. The information in the revised threat abatement plan enabled the Threatened Species Scientific Committee to recommend the making of the plan as required under section 274 of the Act.

Stakeholders were consulted during the drafting of the threat abatement plan and through an independent review of the existing plan which included a survey of TAP awareness amongst practitioners in pest animal policy and research. During the independent review Australian Government, state and territory governments, research and industry stakeholders were consulted on the success of the existing plan and how the plan should be revised. These stakeholders were identified on the basis of their interest and expertise in vertebrate pest control, as demonstrated through their involvement in Australian Government and national processes, including contract tendering, seeking program funding, research output, public statements and submissions to Ministers and parliamentary processes.

The draft plan was also placed on public exhibition for three months as required under section 275 of the Act, and public comments were invited. All comments were taken into account in finalising the plan.

The threat abatement plan is available electronically from the Australian Government Department of the Environment, Water, Heritage and the Arts at
http://www.environment.gov.au/biodiversity/threatened/publications/tap/cats
or from the Community Information Unit (ciu@environment.gov.au)
or by post from Australian Government Department of the Environment, Water, Heritage and the Arts, GPO Box 787, Canberra ACT 2601; or by phone on 1800 803 772.

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

In accordance with section 273(1A) of the Act the revised threat abatement plan came into force on the day on which the Minister made the plan.

For the purposes of subsection 12(2) of the *Legislative Instruments Act 2003* the rights and liabilities of a person other than the Commonwealth have not been adversely affected by the retrospective commencement of the plan.