

EXPLANATORY STATEMENT

Environment Protection and Biodiversity Conservation Act 1999

Instrument under section 184(1)(a) and (b)

(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:

1. amend the list of threatened ecological communities under the Act in accordance with paragraph 184(1)(a) of the Act by:
 - including in the list in the critically endangered category Cumberland Plain Shale Woodlands and Shale-Gravel Transition Forest.

as recommended by the Threatened Species Scientific Committee (the Committee), having regard to the definition of critically endangered and endangered ecological communities in subsection 182(1) and (2) of the Act.

The Committee concluded that the Cumberland Plain Shale Woodlands and Shale-Gravel Transition Forest ecological community met the criteria specified in Regulation 7.02 of the *Environment Protection and Biodiversity Conservation Regulations 2000*, as follows:

- Criterion 1 as **endangered** because its decline in geographic distribution is severe;
- Criterion 2 as **critically endangered** because its geographic distribution is very 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 immediate future;
- Criterion 4 as **critically endangered** because the reduction in integrity across most its range is very severe as indicated by degradation of the community; and
- Criterion 5 as **vulnerable** because its rate of continuing detrimental change is substantial as indicated by a rate of continuing decline in its geographic distribution that is serious.

On the basis of the assessment and advice of the Committee, I am satisfied that this ecological community is eligible to be included in the critically 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.

2. amend the list of threatened ecological communities under the Act in accordance with paragraph 184(1)(b) of the Act by:
 - deleting from the list in the endangered category Cumberland Plain Woodlands.

On the basis of the assessment and advice of the Committee, I am satisfied that this ecological community is no longer eligible to be included in that category because it is now eligible to be listed as critically endangered. In deciding to delete it from the list, I only considered matters that relate to whether the ecological community is eligible to be included in that category.

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 in accordance with the process outlined in Part 13, Division 1, Subdivision AA of the Act. 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. All submissions received were forwarded to the Committee and to me for consideration.

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.