

EXPLANATORY STATEMENT

Environment Protection and Biodiversity Conservation Act 1999(Cth)

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) 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 section 181 of the Act in accordance with paragraph 184(1)(a) of the Act by including in the list in the critically endangered category:

- Seasonal Herbaceous Wetlands (Freshwater) of the Temperate Lowland Plains

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

The Committee concluded that the Seasonal Herbaceous Wetlands (Freshwater) of the Temperate Lowland ecological community met the criteria specified in Division 7.1 of the *Environment Protection and Biodiversity Conservation Regulations 2000*, as follows:

- Criterion 1 as **vulnerable** because its decline in extent is substantial;
- Criterion 2 as **critically endangered** because the ecological community has a very restricted geographic distribution and faces ongoing threats in the immediate future; and
- Criterion 4 as **critically endangered** because the reduction in integrity across its range is very severe as indicated by degradation of the community and its ecological and hydrological processes that is very severe.

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, and the effect that including the ecological community in that category could have on the survival of the ecological community.

Consultation on nominations 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 ecological community combines two ecological communities nominated for inclusion in the List as part of the Finalised Priority Assessment List (the **Assessment List**) for the assessment period commencing 1 October 2008;
- the Threatened Species Scientific Committee (the **Committee**) published the Assessment List in September 2008; and
- the Committee sought public comment on whether the ecological community was eligible for inclusion in the List.

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The nomination was placed on public exhibition, and public comments were sought as required by the Act for 30 business days between March and May 2011. Parties with relevant expertise were directly consulted regarding their views. All public 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.

Statement of Compatibility with Human Rights

This Legislative 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). This Legislative Instrument does not engage any of the applicable rights or freedoms.

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