

EXPLANATORY STATEMENT

(Issued under the Authority of the Minister for the Environment)

Environment Protection and Biodiversity Conservation Act 1999

Variation of a threat abatement plan

The *Environment Protection and Biodiversity Conservation Act 1999* (the Act) provides for the protection of the environment and conservation of biodiversity, including the protection of native species and ecological communities impacted by key threatening processes.

Background

Part 13, Division 5, Subdivision A of the Act provides for the making of threat abatement plans in relation to key threatening processes, which bind the Commonwealth and Commonwealth agencies.

The Minister may make a threat abatement plan under section 270B of the Act if the Minister's most recent decision under section 270A is to have a threat abatement plan for the process.

Predation by feral cats is listed as a key threatening process under the Act.

Section 279 of the Act provides that the Minister may, at any time, review a threat abatement plan and consider whether a variation is necessary and, if the Minister considers a variation is necessary, the Minister may vary the plan.

The *Threat abatement plan for predation by feral cats* (the 2015 plan) will replace the 2008 *Threat abatement plan for predation by feral cats* (the 2008 plan). The 2015 plan was developed in consultation with relevant experts, Commonwealth, state and territory governments and informed by advice from the Threatened Species Scientific Committee (the Committee). Public consultation was also undertaken during the period 8 April 2015 to 8 July 2015.

Purpose of the Instrument

The purpose of the Instrument is to vary the 2008 plan by replacing it with the 2015 plan so as to reduce the effects of the threatening process on Australia's biodiversity. The 2015 plan provides a framework for prioritising investment in threat abatement and identifies management and other actions required to ensure the long-term survival of native species and ecological communities affected by feral cat predation. The content of the 2015 plan complies with section 271 of the Act and regulation 7.12 of the *Environment Protection and Biodiversity Conservation Regulations 2000*.

Consultation

Before varying a threat abatement plan, the Minister must:

- consult about the variation and consider public comments in accordance with sections 275 and 276 of the Act; and
- consider the advice of the Threatened Species Scientific Committee (the Committee) in accordance with section 279(5) of the Act.

In accordance with section 275 of the Act, notices were published in the *Gazette*, *The Australian* newspaper and the *Koori Mail* inviting written comments on the draft 2015 plan. 91 responses were received during the three-month period for public comment from 8 April 2015 to 8 July 2015. All comments received on the draft 2015 plan were taken into consideration in

revising and finalising the 2015 plan. Consultation was also undertaken with the relevant Commonwealth and state and territory Ministers.

The Minister obtained and considered the advice of the Committee in accordance with section 279(5) of the Act. The Committee recommended that the variation be made by the Minister under section 279 of the Act.

The 2015 Plan is available electronically from the Australian Government Department of the Environment's website at: <http://www.environment.gov.au/biodiversity/threatened/tap-approved.html>. Copies of the Plan can also be requested from the Department's Community Information Unit (ciu@environment.gov.au); or by post to the Australian Government Department of the Environment, GPO Box 787, Canberra ACT 2601 or by telephone on 1800 803 772.

The 2015 plan is a legislative instrument for the purposes of the *Legislative Instruments Act 2003*.

The 2015 plan came into force on the day after it was registered on the Federal Register of Legislative Instruments.

Authority: section 279 of the *Environment Protection and Biodiversity Conservation Act 1999*.

Statement of Compatibility with Human Rights

*Prepared in accordance with Part 3 of the Human Rights
(Parliamentary Scrutiny) Act 2011 (Cth)*

Variation of a threat abatement plan

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)*.

Overview of the Legislative Instrument

The purpose of the Legislative Instrument is to vary the *Threat abatement plan for predation by feral cats* (2008) by replacing it with the *Threat abatement plan for predation by feral cats* (2015) (the 2015 plan). The 2015 plan provides a framework for prioritising investment in threat abatement and identifies management and other actions to reduce the effects of predation by feral cats on Australia's biodiversity.

Human rights implications

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

Conclusion

This Legislative Instrument is compatible with human rights as it does not raise any human rights issues.

Greg Hunt, Minister for the Environment