

EXPLANATORY STATEMENT

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

Environment Protection and Biodiversity Conservation Act 1999

New 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.

Competition and land degradation by rabbits is listed as a key threatening process under the Act.

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 key threatening process.

Section 279 of the Act provides that the Minister must review each plan at intervals of not longer than 5 years. The *Threat abatement plan for competition and land degradation by rabbits (2008)* (the 2008 plan) was reviewed in 2014 and the Minister decided to make a new plan. The *Threat abatement plan for competition and land degradation by rabbits* (the 2016 plan) will replace the 2008 plan.

The 2016 plan was developed in consultation with relevant experts, Commonwealth, state and territory governments and informed by advice from the Threatened Species Scientific Committee. Public consultation was also undertaken during the statutory three month period, from 25 November 2015 to 16 March 2016.

Purpose of the Instrument

The purpose of the Instrument is to make a new plan by replacing the 2008 plan with the 2016 plan so as to reduce the effects of the key threatening process on Australia's biodiversity. The 2016 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 rabbits. The content of the 2016 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 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 2016 plan. Twenty-two responses were received during the public comment period from 25 November 2015 to 16 March 2016. All comments received on the draft 2016 plan were taken into consideration in revising and finalising the 2016 plan. Consultation was also undertaken with the relevant Commonwealth and state and territory ministers.

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

The 2016 Plan is available 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 2016 plan is a legislative instrument for the purposes of the *Legislation Act 2003*.

The 2016 plan came into force on the day after it was registered on the Federal Register of Legislation.

Authority: section 270B 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)*

New 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 make a new *Threat abatement plan for competition and land degradation by rabbits* (2016). The new 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 rabbits.

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.

Josh Frydenberg, Minister for the Environment and Energy