

EXPLANATORY STATEMENT

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

Environment Protection and Biodiversity Conservation Act 1999

Threat Abatement Plan for the incidental catch (or bycatch) of seabirds during oceanic longline fishing operations (2018)

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

Background

Part 13, Division 5, Subdivision A of the Act provides for the making of threat abatement plans concerning key threatening processes, which bind the Commonwealth and Commonwealth agencies. *Incidental catch (or bycatch) of seabirds during oceanic longline fishing operations* 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 process.

The *Threat Abatement Plan for the incidental catch (or bycatch) of seabirds during oceanic longline fishing operations (2018)* (the **plan**) was developed in consultation with the public; a stakeholder group comprised of representatives of government, fishing industry, and environmental non-governmental organisation stakeholders and experts closely involved with alleviating the impact of longline fishing on seabirds; and informed by advice from the Threatened Species Scientific Committee (the **Committee**).

Purpose of the Instrument

The purpose of the Instrument is to reduce the effects of the key threatening process on Australia's biodiversity. The plan provides a national strategy to guide the activities of government, industry and research organisations and outlines the research, management and other actions necessary to reduce the key threatening process to an acceptable level. The content of the plan complies with section 271 of the Act and regulation 7.12 of the *Environment Protection and Biodiversity Conservation Regulations 2000*.

Consultation

Before making a threat abatement plan, the Minister must consult about the draft plan 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 subsection 274(1) of the Act.

Notices were published in the *Gazette* and *The Australian* newspaper inviting written comments on the draft plan, in accordance with section 275 of the Act. Public consultation was undertaken from 15 March to 30 June 2017; a longer period than the statutory three-month period. Submissions were received from four respondents during the public comment period.

All comments received on the draft plan were taken into consideration in revising and finalising the plan. A range of clarifications and amendments were incorporated into the content of the plan, which seek to balance the diverse interests and perspectives of stakeholders. Comments received were constructive, but reflected divergent views by stakeholders. Wherever feasible, changes were made to the content of the plan to accommodate suggestions and concerns raised in the comments. The actions set out in the plan take a middle course between divergent views.

The Minister obtained and considered the advice of the Committee, in accordance with subsection 274(1) of the Act. The Committee recommended that the plan be made by the Minister under section 270B of the Act.

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

The plan is a Legislative Instrument for the purposes of the *Legislation Act 2003*.

The Office of Best Practice Regulation (the **OBPR**) advised that a Regulatory Impact Statement was not required for the Instrument (OBPR ID: 21877).

The plan commences the day after it is registered.

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

Threat Abatement Plan for the incidental catch (or bycatch) of seabirds during oceanic longline fishing operations (2018)

This Disallowable 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*.

Overview of the Legislative Instrument

The purpose of the Legislative Instrument is to reduce the key threatening process of the incidental catch (or bycatch) of seabirds during oceanic longline fishing operations to an acceptable level. This is in order to maximise the long-term survival in nature of native species (including listed threatened species) and ecological communities affected by the process. The plan includes the research, management and other actions necessary to do so.

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.

Melissa Price, Minister for the Environment