

EXPLANATORY STATEMENT

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

Environment Protection and Biodiversity Conservation Act 1999

Environment Protection and Biodiversity Conservation (Wildlife Conservation Plan for Seabirds) Instrument 2022

Background

The *Environment Protection and Biodiversity Conservation Act 1999* (**EPBC Act**) provides for the protection of the environment and conservation of biodiversity, including the protection and conservation of marine, migratory and threatened species and ecological communities.

Part 13, Division 5, Subdivision B of the EPBC Act provides for the making, or adoption of, wildlife conservation plans for listed migratory, marine, cetacean or conservation dependent species, which bind the Commonwealth and Commonwealth agencies.

Subsection 285(1) of the EPBC Act provides that the Minister may make, by instrument in writing, and implement a wildlife conservation plan for the purposes of the protection, conservation and management of a listed migratory, marine, cetacean or conservation dependent species.

Subsection 285(5) of the EPBC Act provides that the Minister may seek the cooperation of the States and Territories in which a listed migratory, marine, cetacean, or conservation dependent species occurs, with a view to jointly making a wildlife conservation plan with those States and Territories.

Purpose

The purpose of this instrument is to make the Wildlife Conservation Plan for Seabirds (**Plan**). The Plan establishes a national framework to guide and coordinate the research and management of the 76 migratory and/or marine seabirds throughout their range in Australia. The Plan identifies research and management actions necessary to assist the long-term survival of these species.

Pursuant to subsection 285(5), the Plan is jointly made with the States of New South Wales, South Australia, Queensland and Western Australia.

The Minister was satisfied that the Plan meets the content requirements for wildlife conservation plans set out under section 287 of the EPBC Act. The Plan provides for the research and management actions necessary to support the survival of 76 listed migratory and/or marine seabirds.

Consultation

Subsection 289(3) of the EPBC Act provides that the Minister must obtain and consider advice from the Threatened Species Scientific Committee (**Committee**) on the content of the wildlife conservation plan before deciding whether to make a plan. At its 80th meeting in June 2020, the Committee recommended that the plan be approved under the EPBC Act.

The Plan was developed through extensive consultation with a broad range of stakeholders and affected interests in accordance with section 290 of the EPBC Act. The draft wildlife conservation plan was open for public comment from 20 December 2019 until 17 April 2020. A notice inviting comments on the wildlife conservation plan was advertised in the Commonwealth of Australia Government Notices Gazette, *The Australian* newspaper and on the website of the Australian Government Department of Agriculture, Water and the Environment. As required by section 291 of the EPBC Act, all comments were considered before making the wildlife conservation plan.

Consultation with state and territory agencies was conducted throughout the development of the Plan.

In making this Plan, the Minister considered the Committee's advice and any comments received during the statutory consultation period, in accordance with section 285(6) of the EPBC Act.

This Plan is a legislative instrument for the purposes of the *Legislation Act 2003* and commences the day after registration.

Authority: subsection 285(1) 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

Environment Protection and Biodiversity Conservation (Wildlife Conservation Plan for Seabirds) Instrument 2022

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*.

Overview of the Legislative Instrument

The purpose of this Legislative Instrument is to make the Wildlife Conservation Plan for Seabirds. The plan establishes a national framework to guide and coordinate the research and management of the 76 migratory and/or marine seabirds throughout their range in Australia. The wildlife conservation plan identifies research and management actions necessary to assist the long-term survival of these species. All 76 seabirds are listed as migratory and/or marine under the *Environment Protection and Biodiversity Conservation Act 1999* (the EPBC Act) and as such it is an offence to kill, take, trade, keep, move or injure members of this species in or on a Commonwealth area.

The Wildlife Conservation Plan for Seabirds was developed through extensive consultation with a broad range of stakeholders and affected interests in accordance with section 290 of the EPBC Act. The draft version of the plan was opened to public consultation in December 2019 for a period of three months and the final version of the plan was endorsed by the Threatened Species Scientific Committee in June 2020 before being made by the Minister.

The conventions listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011* were considered in the preparation of the Wildlife Conservation Plan for Seabirds.

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.

The Hon Sussan Ley MP
Minister for the Environment