

EXPLANATORY STATEMENT

Environment Protection and Biodiversity Conservation Act 1999

Instrument under section 184(1)(a)

(Issued under the Authority of the Minister for the Environment, Heritage and the Arts)

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

- Grassy Eucalypt Woodland of the Victorian Volcanic Plain

as recommended by the Threatened Species Scientific Committee (the Committee), having regard to the definition of endangered ecological communities in s182 of the Act.

The Committee concluded that the Grassy Eucalypt Woodland of the Victorian Volcanic Plain ecological community met the criteria specified in Division 7.1 of the *Environment Protection and Biodiversity Conservation Regulations 2000*, as follows:

- Criterion 1 as critically endangered because its decline in geographic distribution is very severe;
- Criterion 2 as critically endangered because its geographic distribution is very restricted and the nature of its distribution makes it likely that the action of a threatening process could cause it to be lost in the near future; and
- Criterion 4 as critically endangered because the reduction in integrity across most of its range is very severe as indicated by degradation of the community.

On the basis of the 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, or the effect that including the ecological community in that category could have on the survival of the ecological community.

Consultation on the nomination to amend the list of threatened ecological communities under the Act to include this ecological community was undertaken before the legislative instrument was made. The nominations were placed on public exhibition, and public comments were sought as required by the Act. Parties with relevant expertise were directly consulted regarding their views. All 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.