

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 and Energy)

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 section 181 of the Act in accordance with paragraph 184(1)(a) of the Act by including in the list in the critically endangered category:

- **Banksia Woodlands of the Swan Coastal Plain**

as recommended by the Threatened Species Scientific Committee (the Committee), having regard to the definition of threatened ecological communities under subsections 182(1) and (2) of the Act.

The Committee concluded that the **Banksia Woodlands of the Swan Coastal 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 **vulnerable** because it has undergone a substantial decline in geographic extent;
- Criterion 2 as **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;
- Criterion 4 as **endangered** because the reduction in integrity across most of its range is severe as indicated by degradation of the community and regeneration is unlikely in the immediate future.

On the basis of the assessment and advice of the Committee, I am satisfied that this ecological community is eligible to be included in the **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, and the effect that including the ecological community in that category could have on the survival of the ecological community.

Consultation to amend the list of threatened ecological communities under the Act to include the ecological community was undertaken before the legislative instrument was made in accordance with the process outlined in Part 13, Division 1, Subdivision AA of the Act. A draft assessment was 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 public submissions received were forwarded to the Committee and to me for consideration.

This instrument is a legislative instrument for the purposes of the *Legislation Act 2003*.

The instrument commenced on the day after it was registered on the Federal Register of Legislation.

Statement of Compatibility with Human Rights

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

Amendment to the list of threatened species, threatened ecological communities and key threatening processes under sections 178, 181 and 183 of the *Environment Protection and Biodiversity Conservation Act 1999* (EC131)

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 Instrument is to amend the *Environment Protection and Biodiversity Conservation Act 1999* list of threatened ecological communities by including the ‘Banksia woodlands of the Swan Coastal Plain’ ecological community in the endangered category of the list.

The Banksia Woodlands of the Swan Coastal Plain ecological community has been included in the endangered category of the list because it met the criteria whereby: it has undergone a substantial decline in geographic extent; 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 the reduction in integrity across most of its range is severe as indicated by degradation of the community and regeneration is unlikely in the immediate future.

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.

Minister for the Environment and Energy