

# EXPLANATORY STATEMENT

## *Environment Protection and Biodiversity Conservation Act 1999*

### **Instrument under section 184(1)**

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

The *Environment Protection and Biodiversity Conservation Act 1999* (the Act) places certain obligations on the Commonwealth to protect and conserve threatened species and ecological communities, and recognise, and where possible, abate key threatening processes listed on the list of threatened species, ecological communities and key threatening processes under the Act.

The purpose of this instrument is to amend the list of threatened species under the Act in accordance with s184 by:

- adding *Thalassarche melanophris* (Black-browed Albatross) to the list of vulnerable species;

as recommended by the Threatened Species Scientific Committee (the Committee), having regard to the definition of critically endangered, endangered and vulnerable species in s179 of the Act.

The Committee's recommendations are as follows:

#### ***Thalassarche melanophris* (Black-browed Albatross)**

The evidence presented in the nomination and submitted by experts enabled the Committee to judge that *Thalassarche melanophris* is eligible for listing as vulnerable under the Act. The species met the criteria in the Act and EPBC Regulations (Part 7, Division 7.1 and 7.2). In particular, three of the criteria for listing as vulnerable have been met. These are:

Criterion 1: It has undergone, is suspected to have undergone or is likely to undergo in the immediate future a very severe, severe or substantial reduction in numbers.

Criterion 2: Its geographic distribution is precarious for the survival of the species and is very restricted, restricted or limited.

Criterion 3: The estimated total number of mature individuals is limited to a particular degree and: (a) evidence suggests that the number will continue to decline at a particular rate; or (b) the number is likely to continue to decline and its geographic distribution is precarious for its survival.

On this basis, the Committee recommends that the species be listed as vulnerable under the *Environment Protection and Biodiversity Conservation Act 1999*.

On the basis of the advice of the Committee, I am satisfied that *Thalassarche melanophris* (Black-browed Albatross) is eligible to be included in the vulnerable category.

In deciding to include this species in the list, I did not consider any matter that does not relate to the survival of this species.

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.