

## EXPLANATORY STATEMENT

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

*Environment Protection and Biodiversity Conservation Act 1999 (Cth)*

### Instrument under section 184(1)(a)(b)

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

Section 178 of the Act provides for a list of threatened species (the **List**) separated into particular categories being, extinct, extinct in the wild, critically endangered, endangered, vulnerable and conservation dependent.

Section 184 of the Act provides that the Minister may, by legislative instrument, amend the List to include an item in the List, delete an item from the List or, transfer an item from one category in the List to another category.

The process for making amendments to the List to include or transfer an item is set out in Part 13, Division 1, Subdivision AA of the Act. The relevant considerations for making amendments to the List to delete an item are set out in Part 13, Division 1, Subdivision A of the Act.

The purpose of this Instrument is to amend the List by:

- Including in the list of threatened species in the endangered category:  
*Petrogale concinna canescens*  
*Petrogale concinna monastria*  
*Dasyurus viverrinus*  
*Hipposideros inornatus*  
*Petrogale coenensis*
- Including in the list of threatened species in the vulnerable category:  
*Antechinus bellus*
- Deleting from the list of threatened species in the endangered category:  
*Notoryctes caurinus*  
*Notoryctes typhlops*

### Consultation

Consultation was undertaken before the Instrument was made, in accordance with the processes outlined in Part 13, Division 1, Subdivision AA of the Act.

The Threatened Species Scientific Committee (the Committee):

- recommended *Antechinus bellus* for inclusion on the Finalised Priority Assessment List for the assessment period commencing 1 October 2013, to which the minister agreed;
- recommended the other 7 species for inclusion on the Finalised Priority Assessment List for the assessment period commencing 1 October 2014, to which the minister agreed; and
- sought public comment on the species.

The Committee also consulted parties with relevant expertise regarding their views, including:

- Relevant researchers from Australian universities
- Relevant state and territory governments
- Relevant non-government organisations.

The period for public comment for *Antechinus bellus* was 30 business days between 2 October 2014 and 18 November 2014, and >30 business days between 24 March 2015 and 8 May 2015 for the other species. In total, for all species, three public comments were received and eight submissions were received from targeted consultation.

The Committee prepared a written assessment of whether the nominated species was eligible for inclusion in the List. The written assessments were provided to the Minister and considered in relation to the making of the Instrument.

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.

Authority: section 184(1)(a)(b) of the *Environment Protection and Biodiversity Conservation Act 1999* (Cth).

## **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 under section 178 of the *Environment Protection and Biodiversity Conservation Act 1999* (168)**

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 species by including four bird species/subspecies in the vulnerable category of the list, transferring one bird species from the endangered to the critically endangered category of the list and transferring one bird species from the vulnerable to the critically endangered category of the list.

Four species/subspecies are being included in the list because they meet specific criteria under the Act that makes them eligible for listing under that criterion. Two species are being transferred to different categories of the list because they meet specific criteria under the Act that makes them eligible for listing under that criterion.

#### **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**