

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)(c)

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 21 species, transferring one between categories and deleting two from the list::

including in list in the **Critically Endangered** category

Calidris tenuirostris
Calochilus cupreus
Galaxias rostratus
Limosa lapponica menzbieri
Pterostylis psammophila
Thelymitra hygrophila

including in the list in the **Endangered** category

Amytornis dorotheae
Calidris canutus
Charadrius mongolus
Eucalyptus macarthurii
Paralucia pyrodiscus lucida
Stylidium ensatum
Veronica parnkalliana

including in the list in the **Vulnerable** category

Antechinus minimus maritimus
Charadrius leschenaultii
Limosa lapponica baueri
Macroderma gigas
Mastacomys fuscus
Petauroides volans
Petrogale sharmani
Petrogale xanthopus celeris

deleting from the list from the **Vulnerable** category

Cacatua pastinator pastinator
Carex tasmanica

transferring in the list from the **Endangered** to the **Critically Endangered** category
Lathamus discolor

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 the species for inclusion on the Finalised Priority Assessment List for the assessment period commencing either 1 October 2013, 2014 or 2015, 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
- Relevant experts

The Committee prepared a written assessment of whether the nominated species were eligible for inclusion in the List. The written assessments and all comments received during the consultation period 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 *Legislation Act 2003*.

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

Authority: sections 184(1)(a)(b) and (c) 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* (188)

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 six species in the Critically Endangered category, including seven species in the Endangered category, including eight species in the Vulnerable category, transferring one species to a higher category of threat and deleting two species from the list.

The species are being included and transferred in the list as they met the criteria for listing in the category under the EPBC Act.

The two species that are being deleted from the list is because they no longer meet any of the criteria for listing as they have either recovered or additional populations have been found.

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