

EXPLANATORY STATEMENT

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

Environment Protection and Biodiversity Conservation Act 1999 (Cth)

Instrument under section 184(1)(d)

The *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (the Act) provides for the protection of the environment, especially matters of national environmental significance, 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(1)(d) of the Act provides that the Minister or delegate may, by legislative instrument, amend the List to correct an inaccuracy or update the name of a listed threatened species.

The purpose of this Instrument is to amend the List by correcting and updating the scientific names of threatened species included in the List as set out below:

- *Acacia terminalis* subsp. *terminalis* to *Acacia terminalis* subsp. *terminalis* MS
- *Chamelaucium* sp. Gingin (N.G.Marchant s.n., 4/11/1988) to *Chamelaucium* sp. Gingin (N.G.Marchant 6)
- *Eucalyptus balanites* to *Eucalyptus* x *balanites*
- *Eucalyptus phylacis* to *Eucalyptus* x *phylacis*
- *Gallirallus philippensis andrewsi* to *Hypotaenidia philippensis andrewsi*
- *Gallirallus philippensis macquariensis* to *Hypotaenidia philippensis macquariensis*
- *Gallirallus sylvestris* to *Hypotaenidia sylvestris*

Background

These name changes result from: taxonomic revisions that have not altered the concept or description of the relevant species; and correction of orthographic errors.

Consultation

Section 189(1) of the EPBC Act requires the rule-maker, when deciding whether to amend the List under section 184(1)(d) of the Act, to obtain and consider advice from the Threatened Species Scientific Committee on the proposed amendment. That advice was sought and considered prior to the making of the Instrument. The Committee agreed to recommend the name changes as set out above.

Section 17(1)(a) of the *Legislation Act 2003* states that before the legislative instrument is made, the rule-maker must be satisfied that there has been undertaken any consultation that is considered by the rule-maker to be appropriate. As this Instrument only corrects inaccuracies in the List and does not make any substantial changes to the List, public consultation was not undertaken.

The Instrument is a legislative instrument for the purposes of the *Legislation Act 2003* (Cth).

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

Authority: Section 184(1)(d) of the *Environment Protection and Biodiversity Conservation Act 1999* (Cth).

Instrument no. 194

Statement of Compatibility with Human Rights

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

Amendment to the lists 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* (Cth) (194)

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 Legislative Instrument is to amend the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (EPBC Act) list of threatened species by updating the names of 3 fauna and 4 flora species under section 184(1)(d) of the EPBC Act. These name change are to correct inaccuracies or update the names of listed threatened species.

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.

Geoff Richardson

Delegate for the Minister for the Environment and Energy