

EXPLANATORY STATEMENT

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

Environment Protection and Biodiversity Conservation Act 1999

Amendment to the list of threatened species made under section 178 of the *Environment Protection and Biodiversity Conservation Act 1999 (234)*

Background

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.

Subsection 178(1) of the Act provides that the Minister must, by legislative instrument, establish a list of threatened species (the **List**) separated into the following categories: Extinct, Extinct in the wild, Critically Endangered, Endangered, Vulnerable and Conservation Dependent.

Subsection 184(d) of the Act relevantly provides that the Minister may, by legislative instrument, correct an inaccuracy or update the name of a listed threatened species or ecological community in the List referred to in section 178. The EPBC Act delegations provide for the delegate to make this decision on the Ministers behalf.

Purpose of the instrument

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:

- *Sauropus macranthus* to *Breynia macrantha*
- *Bruguiera hainesii* to *Bruguiera x hainesii*
- *Chaeropus ecaudatus* to *Chaeropus ecaudatus* and *Chaeropus yirratji*
- *Oligosoma lichenigera* to *Oligosoma lichenigerum*
- *Petrogale lateralis* MacDonnell Ranges race to *Petrogale lateralis centralis*

These name changes result from:

- taxonomic revision that has not altered the concept or description of the species (*Sauropus macranthus* to *Breynia macrantha*, *Bruguiera hainesii* to *Bruguiera x hainesii* and *Oligosoma lichenigera* to *Oligosoma lichenigerum*)
- description of a species that was previously included in the circumscription of a listed species (*Chaeropus ecaudatus* to *Chaeropus ecaudatus* and *Chaeropus yirratji*)
- description and formal naming of a species (*Petrogale lateralis* MacDonnell Ranges race to *Petrogale lateralis centralis*)

Updating names of species in the List ensures that the authoritative guide for the state of Australia's biodiversity uses the correct names.

Consultation

While consultation is not required under the Act prior to making the instrument, the Australian Biological Resources Study (ABRS) was consulted regarding the proposed changes. ABRS were supportive of the proposed changes.

Authority: sections 178 and 184(d) of the *Environment Protection and Biodiversity Conservation Act 1999*.

Statement of Compatibility with Human Rights

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

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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* (EPBC Act) list of threatened species by updating the names of three fauna species and two flora species under section 184(d) of the EPBC Act.

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.