EXPLANATORY STATEMENT

(Issued under the Authority of the
Minister for Sustainability, Environment, Water, Population and Communities)

Environment Protection and Biodiversity Conservation Act 1999 (Cth)

Instrument under section 184(1)(a)

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 the conservation of biodiversity, including the protection and conservation of listed 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.

The process for making amendments to the List is set out in Subdivision AA of Division 1 of Part 13, of the Act.

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

transferring from the vulnerable category in the list to the endangered category in the list:

- *Rostratula australis*

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

The Threatened Species Scientific Committee (the Committee) sought public comment on whether the species was eligible for inclusion in the particular categories of the List.

The period for public comment was at least 30 business days between 2 December 2011 and 23 January 2012. One public comment was received, and 15 expert submissions were received from targeted consultation.

The Committee prepared a written assessment of whether the nominated species was eligible for inclusion in particular categories of the List. The written assessment was 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 (Cth).

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

Statement of Compatibility with Human Rights

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 (Cth). This Instrument does not engage any of the applicable rights or freedoms.

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