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)(b)**

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(1)(b) of the Act provides that the Minister may, by Legislative Instrument, amend the List by deleting items from the List.

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

- deleting from the vulnerable category of the list:
  - *Dendrobium superbiens*
  - *Grastidium tozerense*
  - *Huperzia phlegmarioides*
  - *Leucopogon cuspidatus*
  - *Macrozamia crassifolia*
  - *Macrozamia fearnsidei*
  - *Pomatocalpa marsupiale*
  - *Sowerbaea subtilis*
  - *Spathoglottis plicata*
  - *Stemona angusta*
  - *Trichoglottis australiensis*
  - *Xanthostemon youngii*

These species have been deleted from the vulnerable category as they did not meet any criteria, because they are variously either protected in reserves, do not have limited populations, geographic distributions are not limited or precarious, or are not subject to threats, or in one case, does not meet the definition of a species under the EPBC Act as it is a hybrid.

Section 189(1) of the Act requires that the Minister, when deciding whether to amend the List under section 184(1)(b) of the Act, obtain and consider advice from the Threatened Species Scientific Committee (the Committee) on the proposed amendment.

The Committee sought public comment on the proposed amendments to the List.

The period for public comment was at least 30 business days for each species, between October 2009 and December 2011. No comments were received. The Committee also consulted parties with relevant expertise, as well as Queensland (being the relevant State in which the species are located) regarding their views.

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

**Authority:** section 184(1)(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 (122)

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 deleting 12 Queensland endemic flora species from the vulnerable category of the list.

These species have been deleted from the vulnerable category as they did not meet any criteria, because they are variously either protected in reserves, do not have limited populations, geographic distributions are not limited or precarious, or are not subject to threats, or in one case, does not meet the definition of a species under the EPBC Act as it is a hybrid.

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 Sustainability, Environment, Water, Population and Communities