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 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 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:

- deleting from the endangered category:
  - Synemon gratiosa

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 7 December 2012 and 25 January 2013. Two comments were received. The Committee also consulted with Western Australian Department of Environment and Conservation regarding their views as part of the list alignment partnership process.

The Committee prepared a written assessment of whether the 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.

Authority: sections 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 (143)

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 Synemon gratiosa (graceful sun moth), a Western Australian endemic species.

This species has been deleted from the endangered category as it did not meet any criteria, because it is protected in reserves, does not have a limited population, and its geographic distribution is not limited or precarious.

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