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)(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, 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 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 in Attachment A.

In Attachment A:

- ‘Current EPBC Act listed name’ refers to the name on the List before amendment; and
- ‘Updated EPBC Act listed name’ is the new name after the Instrument has taken effect.

These name changes result from:

- taxonomic revisions that have not altered the concept or description of the species; and
- formal publication of species descriptions.

As this Instrument only corrects inaccuracies and updates names in the List and does not make any substantial changes to the List, consultation was not considered necessary.

Section 189(1) of the 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 in Attachment A.

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)(d) 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 (Cth) (151)

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 three flora species and two fauna species pursuant to section 184(1)(d) of the EPBC Act. These name changes result from:

- taxonomic revisions that have not altered the concept or description of the species; and
- formal publication of species descriptions.

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.

Matthew White
Delegate for the Minister for Sustainability, Environment, Water, Population and Communities
Amendments to EPBC Act listed threatened species

**Listed threatened flora species**

<table>
<thead>
<tr>
<th>Current EPBC Act listed name</th>
<th>Updated EPBC Act listed name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Petrophile sp. Whicher Range (G.J.Keighery 11790) WA Herbarium</td>
<td>Petrophile latericola</td>
</tr>
<tr>
<td>Prostanthera cryptandroides</td>
<td>Prostanthera cryptandroides subsp. cryptandroides</td>
</tr>
<tr>
<td>Pterostylis sp. Northampton (S.D.Hopper 3349)</td>
<td>Pterostylis sinuata</td>
</tr>
</tbody>
</table>

**Listed threatened fauna species**

<table>
<thead>
<tr>
<th>Current EPBC Act listed name</th>
<th>Updated EPBC Act listed name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Elseya bellii</td>
<td>Wollumbinia belli</td>
</tr>
<tr>
<td>Phyllodes imperialis (southern subsp. – ANIC 3333) (a moth)</td>
<td>Phyllodes imperialis smithersi</td>
</tr>
</tbody>
</table>