

# EXPLANATORY STATEMENT

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

*Environment Protection and Biodiversity Conservation Act 1999*

List of Threatened Species Amendment (352) Instrument 2023

## Background

The *Environment Protection and Biodiversity Conservation Act 1999* (**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 (**List**) separated into the following categories: Extinct, Extinct in the wild, Critically Endangered, Endangered, Vulnerable and Conservation Dependent.

Paragraph 184(d) of the Act provides that the Minister or delegate may, by legislative instrument, amend the List to correct an inaccuracy or update the name of a listed threatened species.

## Purpose of Instrument

The purpose of this Instrument is to amend the List by correcting and updating the scientific name of one threatened species as follows:

- *Marsdenia araujacea* to *Leichhardtia araujacea*

The name changes results from:

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

## Consultation

Subsection 189(1) of the Act requires the rule-maker, when deciding whether to amend the List under paragraph 184(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 identified above.

As this Instrument only corrects inaccuracies and updates names in the List and does not make any substantive changes to the List, extensive consultation was not undertaken. The department consulted with the Australian Biological Resources Study (ABRS). Due to the technical and scientific nature of this amendment, the Minister was satisfied that sufficient consultation had been undertaken.

This Instrument is a legislative instrument for the purposes of the *Legislation Act 2003* and commences the day after registration.

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

**Details of the *List of Threatened Species Amendment (352) Instrument 2023***

**Section 1 – Name**

This section provides that the name of this instrument is the *List of Threatened Species Amendment (352) Instrument 2023*.

**Section 2 – Commencement**

This section provides that this instrument commences on the day after it is registered.

**Section 3 – Authority**

This section provides that this instrument is made under section 184 of the *Environment Protection and Biodiversity Conservation Act 1999*.

**Section 4 – Schedules**

This section specifies that the *Declaration under s178, s181, and s183 of the Environment Protection and Biodiversity Conservation Act 1999* is amended as outlined in Schedule 1 of the instrument.

**Schedule 1- Amendments**

*Declaration under s178, s181, and s183 of the Environment Protection and Biodiversity Conservation Act 1999*

**Item 1 – SPECIES THAT ARE “EXTINCT”**

Item 1 amends the name of a species under the heading “SPECIES THAT ARE EXTINCT” in the *Declaration under s178, s181, and s183 of the Environment Protection and Biodiversity Conservation Act 1999*, to change the name of the following species:

From *Marsdenia araujacea* to *Leichhardtia araujacea*

## **Statement of Compatibility with Human Rights**

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

### List of Threatened Species Amendment (352) Instrument 2023

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 updating the name of one flora species pursuant to paragraph 184(d) of the EPBC Act:

From *Marsdenia araujacea* to *Leichhardtia araujacea*

The name change results from:

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

#### **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.

**The Hon Tanya Plibersek MP**  
**Minister for the Environment and Water**