

# 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* (the Act) provides for the protection of the environment and conservation of biodiversity, 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 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 Part 13, Division 1, Subdivision AA of the Act.

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

- including in the list in the **critically endangered** category:  
*Prasophyllum bagoense*  
*Pterostylis oreophila*

### Consultation

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

The Threatened Species Scientific Committee (the Committee):

- nominated these species for inclusion in particular categories of the List as part of the Finalised Priority Assessment List for the assessment period commencing 1 October 2010;
- published the Finalised Priority Assessment List on 20 August 2010 on the Departmental website; and
- sought public comment on whether the nominated species were eligible for inclusion in the particular category of the List identified in the Finalised Priority Assessment List.

The period for public comment was 30 business days between 25 October 2010 and 10 December 2010. No comments were received.

The Committee also consulted parties with relevant expertise regarding their views including:

- New South Wales Scientific Committee
- Centre for Australian National Biodiversity Research
- Victorian Department of Sustainability and Environment
- Victorian Scientific Advisory Committee
- ACT Parks, Conservation and Lands
- East Gippsland Catchment Management Authority
- East Gippsland Shire Council

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.

This Instrument is a legislative instrument for the purposes of the *Legislative Instruments Act 2003*.

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 Legislative Instrument does not engage any of the applicable rights or freedoms.

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