

EXPLANATORY STATEMENT

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

Environment Protection and Biodiversity Conservation Act 1999

Instrument under section 184(1)(b)

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 deleting 25 species from the list: *Acanthiza iredalei iredalei*; *Aphanes pentamera*; *Arenga australasica*; *Argentipallium spiceri*, *Austrobryonia argillicola*; *Bothriochloa biloba*; *Dasycercus hillieri*, *Digitaria porrecta*; *Ectrosia blakei*; *Emydura signata* (Bellinger River, NSW), *Epacris acuminata*, *Eucalyptus macrorhyncha* subsp. *Cannonii*, *Grevillea scortechinii* subsp. *Sarmentosa*, *Hydrocharis dubia*; *Pterostylis atriola*, *Pterostylis cobarensis*; *Ptychosperma bleeseri*, *Sauropus filicinus*, *Senecio garlandii*; *Senecio laticostatus*, *Solanum carduiforme*; *Taeniophyllum muelleri*, *Tasmannia purpurascens*, *Tinospora tinosporoides* and *Tetratheca glandulosa*.

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) sought public comment on whether the species were eligible for inclusion in the particular categories of the List.

The period for public comment was at least 30 business days. The Committee also consulted relevant state and territory governments and targeted experts regarding their views. No comments were received for 22 species, one comments was received for *Tetratheca glandulosa*, two comments for *Tasmannia purpurascens* and eight comments for *Dasycercus hillieri*. All comments received were taken into consideration by the Committee in providing its advice to the Minister.

The Committee prepared written assessments of why the nominated species were not eligible for inclusion in the List. The written assessments and all submissions received 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

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 (150)*

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 one flora species from the critically endangered category, four flora species and one mammal for the endangered category and one bird, one reptile and 17 flora species from the vulnerable category of the list.

These species are being deleted because they do not meet any specific criteria under the EPBC Act that makes them eligible for listing under any criteria.

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 the Environment