

# EXPLANATORY STATEMENT

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

## *Environment Protection and Biodiversity Conservation Act 1999*

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:

*Discocharopa vogens*  
*Diuris flavescens*  
*Micropathus kiernani*  
*Pomaderris vacciniifolia*  
*Prasophyllum innubum*  
*Prasophyllum keltonii*

including in the list in the **endangered** category:

*Correa eburnea*  
*Oreixenica ptunarra*

transferring from the **vulnerable** to the **critically endangered** category of the list:

*Acacia purpureopetala*

transferring from the **critically endangered** category to the **endangered** category of the list:

*Barbarea australis*

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 for each species was 30 business days between March 2010 and July 2013. No comments were received. The Committee also consulted relevant state and territory governments regarding their views.

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**

*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* (149)**

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 including two invertebrate and four flora species in the critically endangered category of the list, including one invertebrate and one flora species in the endangered category of the list, transferring one flora species from the vulnerable to the critically endangered category of the list and transferring one flora species from the critically endangered to the endangered category of the list.

Eight species are being included in the list because they meet specific criteria under the EPBC Act that makes them eligible for listing under that criterion. Two species are being transferred to different categories of the list because they meet specific criteria under the EPBC Act that makes them eligible for listing under that criterion.

#### **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**