

## EXPLANATORY STATEMENT

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

*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, 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(1)(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.

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;
- formal publication of species descriptions; and
- correction of species names.

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 required, however, consultation was undertaken with the Australian Biological Resources Study (ABRS).

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) (160)**

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 23 flora species and four 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;
- 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.

**Geoff Richardson**

**Delegate for the Minister for the Environment**

**Amendments to EPBC Act listed threatened species**

**Listed threatened flora species**

<b>Current EPBC Act listed name</b>	<b>Updated EPBC Act listed name</b>
<i>Acacia</i> sp. Graveside Gorge (V.J.Levitzke 806) NT Herbarium (a shrub)	<i>Acacia</i> sp. Graveside Gorge (V.J.Levitzke 806)
<i>Amyema scandens</i>	<i>Amyema plicatula</i>
<i>Caladenia fragrantissima</i> subsp. <i>orientalis</i>	<i>Caladenia orientalis</i>
<i>Chamaesyce carissoides</i>	<i>Euphorbia carissoides</i>
<i>Chamelaucium</i> sp. Cataby (G.J.Keighery 11009) WA Herbarium (Griffin's Waxflower)	<i>Chamelaucium</i> sp. Cataby (G.J.Keighery 11009)
<i>Chamelaucium</i> sp. C Coast Plain (R.D.Royce 4872)	<i>Chamelaucium</i> sp. C Coastal Plain (R.D.Royce 4872)
<i>Commersonia rosea</i> (a plant)	<i>Androcalva rosea</i>
<i>Eremophila</i> sp. Koobabbie (R.J.Chinnock 9540)	<i>Eremophila koobabbiensis</i>
<i>Grevillea brachystylis</i> subsp. <i>Busselton</i> (G.J.Keighery s.n. 28/6/1985) (Large-flowered Short-styled Grevillea)	<i>Grevillea brachystylis</i> subsp. <i>grandis</i>
<i>Hydatella dioica</i>	<i>Trithuria occidentalis</i>
<i>Melichrus</i> sp. Gibberagee (A.S.Benwell & J.B.Williams 97239)	<i>Melichrus</i> sp. Gibberagee (Benwell 97239)
<i>Paracaleana dixonii</i> Hopper & A.P.Br. nom. inval.	<i>Paracaleana dixonii</i>
<i>Pityrodia axillaris</i>	<i>Dasymalla axillaris</i>
<i>Pterostylis</i> sp. Eyre Peninsula (R.Bates 19474)	<i>Pterostylis mirabilis</i>
<i>Pterostylis</i> sp. Flat Rock Creek (D.L.Jones 15873 & K.J.Fitzgerald)	<i>Pterostylis vernalis</i>
<i>Pterostylis</i> sp. Halbury (R.Bates 8425)	<i>Pterostylis lepida</i>
<i>Pultenaea</i> sp. Genowlan Point (NSW 417813) NSW Herbarium (Genowlan Point <i>Pultenaea</i> )	<i>Pultenaea</i> sp. Genowlan Point (NSW 417813)
<i>Rulingia</i> sp. Trigwell Bridge (R.Smith s.n. 20/6/1989)	<i>Commersonia erythrogyna</i>
<i>Rulingia prostrata</i>	<i>Commersonia prostrata</i>
<i>Rulingia procumbens</i>	<i>Androcalva procumbens</i>
<i>Samadera</i> sp. Moonee Creek (J.King s.n. 1949)	<i>Samadera</i> sp. Moonee Creek (J.King s.n. Nov. 1949)
<i>Thelymitra</i> sp. Kangaloon (D.L.Jones 18108) (Kangaloon Sun-orchid)	<i>Thelymitra kangaloonica</i>
<i>Villarsia calthifolia</i>	<i>Ornduffia calthifolia</i>

**Listed threatened fauna species**

<b>Current EPBC Act listed name</b>	<b>Updated EPBC Act listed name</b>
<i>Advena campbellii campbellii</i> (a snail)	<i>Advena campbellii</i>
<i>Gudeoconcha sophiae magnifica</i> ms (a snail)	<i>Gudeoconcha sophiae magnifica</i>
<i>Lasionectes exleyi</i>	<i>Kumonga exleyi</i>
<i>Nyctimystes dayi</i> (Lace-eyed Tree Frog)	<i>Litoria dayi</i>