

EXPLANATORY STATEMENT

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

Environment Protection and Biodiversity Conservation Act 1999 (Cth)

Instrument under section 209(6)

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 the conservation of biodiversity, including the protection and conservation of listed migratory species.

Section 209(1) of the Act provides for a list of migratory species (the **List**) that are included in Appendices to the Bonn Convention, and in the Annexes to the Japan-Australia Migratory Bird Agreement (**JAMBA**), the China-Australia Migratory Bird Agreement (**CAMBA**) or other international agreements approved by the Minister (Republic of Korea-Australia Migratory Bird Agreement (**ROKAMBA**)).

The purpose of this legislative instrument is to update the names of six species in the list pursuant to section 209(6) of the Act so that the list includes all species required to be included under section 209(3)(b), following amendments made to taxonomic information in the Annex to the JAMBA. The amendments become effective on 9 June 2016, three months after the date on which Australia and Japan exchanged diplomatic notes (Article I(2)(c) of the JAMBA).

Amendment of the six scientific names of species already listed on the Annex reflects updated knowledge in taxonomy since the JAMBA entered into force. The update does not alter the species which are already afforded protection under the JAMBA, it simply ensures that scientific names of the species listed in the Annex reflect the scientific names currently recognised in Australia and Japan.

The following Commonwealth, state and territory agencies were consulted regarding the recommended amendments to the Annex to the JAMBA:

- Australian Government Department of the Prime Minister and Cabinet
- Australian Government Attorney-General's Department
- Australian Government Department of the Environment
- Australian Government Department of Foreign Affairs and Trade
- Australian Government Department of Agriculture
- Australian Government Department of Industry
- Australian Government Department of Defence
- Department of Primary Industries, Parks, Water and Environment (Tasmania)
- Department of Environment and Primary Industries (Victoria)
- Office of Environment and Heritage (New South Wales)
- Department of Environment and Heritage Protection (Queensland)
- Department of Environment, Water and Natural Resources (South Australia)
- Department of Land Resource Management (Northern Territory)
- Department of Parks and Wildlife (Western Australia)
- Environment and Sustainable Development Directorate (Australian Capital Territory)

In July 2014, the Minister for the Environment, the Hon Greg Hunt MP, wrote to the Prime Minister and relevant Commonwealth Ministers advising them of the proposed amendments.

Consultation with state and territory representatives from the agencies listed above occurred in 2013 and 2014, through the Wetlands and Waterbirds Taskforce.

No agencies raised any concerns regarding the recommended amendments. Relevant scientific authorities were consulted through Birdlife Australia and Australian universities and were supportive of the amendments.

The Instrument is a legislative instrument for the purposes of the *Legislative Instruments Act 2003* (Cth).

The Instrument commenced on 9 June 2016.

Authority: section 184(1)(b) 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 migratory species under section 209 of the *Environment Protection and Biodiversity Conservation Act 1999*

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 migratory species by updating the names of six bird species pursuant to section 209(6) of the Act so that the list includes all species required to be included under section 209(3)(b), following amendments to the Annex to the Japan-Australia Migratory Bird Agreement (JAMBA). The amendments become effective on 9 June 2016, three months after the date on which Australia and Japan exchanged diplomatic notes (Article I(2)(c) of the JAMBA).

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