

EXPLANATORY STATEMENT

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

Environment Protection and Biodiversity Conservation Act 1999

Instrument under section 209 of the *Environment Protection and Biodiversity Conservation Act 1999* to correct a name on the list of migratory species (No. 1) 2018

The *Environment Protection and Biodiversity Conservation Act 1999* (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 listed migratory species.

Under section 209 of the Act, the Minister must establish a list of migratory species (the **List**) for the purposes of the Act. The List is a compilation of native species listed in the Appendices to the Convention on the Conservation of Migratory Species of Wild Animals (**Bonn Convention**), migratory species listed in the Annexes to the Japan-Australian Migratory Bird Agreement (**JAMBA**), the China-Australia Migratory Bird Agreement (**CAMBA**), and native species listed under other international agreements approved by the Minister as agreements relevant to the conservation of migratory species (presently the Republic of Korea-Australia Migratory Bird Agreement (**ROKAMBA**)).

Section 209(6) of the Act provides that the Minister or delegate may, by legislative instrument, amend the List as necessary to correct an inaccuracy or update the name of a listed migratory species.

The purpose of this Instrument is to amend the List by correcting the scientific name of a migratory species included in the List as set out below:

Diomedea sandfordi to *Diomedea sanfordi*.

Background

The scientific name of the species has been corrected so that the List includes all species required to be included under section 209(3)(a)(ii) of the Act.

Consultation

Section 17(1)(a) of the *Legislation Act 2003* states that before the legislative instrument is made, the rule-maker must be satisfied that there has been undertaken any consultation that is considered by the rule-maker to be appropriate. As the Instrument only makes minor changes to the List, public consultation was not undertaken before making this Instrument.

Pursuant to section 209(7) of the Act, the Instrument is a legislative instrument for the purposes of the *Legislation Act 2003* (the **Legislation Act**) but section 42 (disallowance) of the Legislation Act does not apply to the Instrument.

This Instrument commences the day after it is registered.

Authority: Section 209(6) of the *Environment Protection and Biodiversity Conservation Act 1999*.