

EXPLANATORY STATEMENT

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

Environment Protection and Biodiversity Conservation Act 1999

List of Threatened Species Amendment (362) Instrument 2023

Background

The *Environment Protection and Biodiversity Conservation Act 1999* (**Act**) provides for the protection of the environment and conservation of biodiversity, including the protection and conservation of threatened species.

Subsection 178(1) of the Act provides that the Minister must, by legislative instrument, establish a list of threatened species (**List**) separated into the following categories: Extinct, Extinct in the wild, Critically Endangered, Endangered, Vulnerable and Conservation Dependent.

Paragraph 184(d) of the Act provides that the Minister may, by legislative instrument, amend the List to correct an inaccuracy or update the name of a listed threatened species.

Purpose

The purpose of this Instrument is to amend the List by correcting and updating the scientific name of one threatened species as follows:

- *Wollumbinia belli* to *Myuchelys belli*

The name change results from:

- taxonomic revisions that have not altered the concept or description of the species;
- formal publication of species descriptions; and
- correction of species names.

Consultation

Subsection 189(1) of the Act requires the rule-maker, when deciding whether to amend the List under paragraph 184(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 change identified above.

This Instrument corrects inaccuracies and updates names in the List and does not make any substantive change to the List. As a consequence, consultation was limited to the Australian Biological Resources Study. Due to the technical nature of the amendment, the Minister was satisfied that sufficient consultation had been undertaken.

This Instrument is a legislative instrument for the purposes of the *Legislation Act 2003* and commences the day after registration.

Authority: Paragraph 184(d) of the *Environment Protection and Biodiversity Conservation Act 1999*.

Details of the *List of Threatened Species Amendment (362) Instrument 2023*

Section 1 – Name

This section provides that the name of this instrument is the *List of Threatened Species Amendment (362) Instrument 2023*.

Section 2 – Commencement

This section provides that this instrument commences on the day after it is registered.

Section 3 – Authority

This section provides that this instrument is made under section 184 of the *Environment Protection and Biodiversity Conservation Act 1999*.

Section 4 – Schedules

This section specifies that the *Declaration under s178, s181, and s183 of the Environment Protection and Biodiversity Conservation Act 1999* is amended as outlined in Schedule 1 of the instrument.

Schedule 1- Amendments

Declaration under s178, s181, and s183 of the Environment Protection and Biodiversity Conservation Act 1999

Item 1 – SPECIES THAT ARE “VULNERABLE”

Item 1 amends the name of a species under the heading “SPECIES THAT ARE VULNERABLE” to change the scientific name of the following species:

Wollumbinia belli to *Myuchelys belli*

Statement of Compatibility with Human Rights

*Prepared in accordance with Part 3 of the
Human Rights (Parliamentary Scrutiny) Act 2011*

List of Threatened Species Amendment (362) Instrument 2023

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 list of threatened species under the *Environment Protection and Biodiversity Conservation Act 1999* by updating the name of one flora species pursuant to paragraph 184(d) of the Act:

From *Wollumbinia belli* to *Myuchelys belli*

The name change results 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.

The Hon Tanya Plibersek MP
Minister for the Environment and Water