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I agree with most of the facts given in Case 3043 on the taxonomic history of *Varanus keithhornei* (Wells & Wellington, 1985). However, for the reasons given below, I disagree with the application.

1. Alleged difficulties by the senior author (Sprackland) in obtaining the original description of *Odatria keithhornei* are not grounds for suppression of the name. The publications of Wells & Wellington (1984, 1985a, 1985b) were held by a number of major institutions and the Commission Secretariat, so obtaining a copy was by no means an insurmountable problem. Many older descriptions were published in rare, obscure and little known publications, which in my view present far greater accessibility problems.

2. It is unfortunate that Sprackland (1991) later described the same taxon as Wells & Wellington (1985a) under a different name, but these events have occurred many times throughout history and I see no reason why this case should be different from others. In crude terms, *teriae* is a junior synonym and that is it. A perusal of Cogger, Cameron & Cogger (1983) shows that junior synonyms (invalid names) have often been frequently used (particularly in earlier times, when for one reason or another an author failed to be aware of earlier and often obscure publications), only to be replaced later. The Australian herpetological community has had no trouble adapting to newly-realised correct names brought to their attention. This has been reflected in the benchmark publications of Cogger (1975, 1979, 1986, 1992) in which frequently used names are discarded with great regularity. Use of previously little known or unheard-of names by a single author such as Cogger often precedes their almost immediate and wider acceptance by the herpetological community.

3. Sprackland could not have been unaware that the (1985a, 1985b) Wells & Wellington publications were taxonomic in nature and that they described many new nominal species, or at least purported to. I therefore submit that he should have made further inquiries about these publications and obtained copies before describing a new Australian taxon.

4. I agree that for the past six years common usage has favored *Varanus teriae* over *V. keithhornei*, as noted by the authors of the application and others. However I believe that the name *keithhornei* is now gaining wider acceptance, particularly since publication and circulation of Covacevich & Couper (1994), and without adverse Commission intervention it will become the preferred and generally used name by

most authors within a relatively short period, since it is the senior synonym. The three most recent publications listing the species all gave its name as *keithhornei* and noted that this is a senior synonym of *teriae* (see Bennett, 1996, 1998; and Lemm, 1997). All three publications have very high circulation, the last appearing in the most widely circulated herpetological periodical in the world, the magazine *Reptiles*. Lemm (1997) listed 'a relatively recent herp find, the canopy monitor (*Varanus keithhornei* — formerly *teriae*)'. General acceptance of a newly-realised correct name over an incorrect one has occurred many times in recent history (certainly in Australian herpetology) and this case should not be treated any differently.

5. The authors of Case 3043 cite Bennett's (1995) use of *teriae* as evidence in favor of their common usage argument. They appear to have overlooked the fact that the same author's subsequent publication, Bennett (1996), correctly used *keithhornei*, citing *teriae* as a junior synonym. Bennett (1998) again used the name *keithhornei*. Contention by Sprackland and colleagues (see BZN 54: 250–51) that 'nor has the name *keithhornei* ever been recorded' is patently incorrect as demonstrated by Bennett (1996, 1998) and Lemm (1997); at least one of these publications appeared well before Case 3043.

6. The argument by Sprackland et. al (BZN 54: 250) that some authors may inadvertently think *V. keithhornei* and *V. teriae* are separate species lacks credibility. The same argument could be applied to all other taxa for which synonyms have ever existed, and the Commission could be called on to suppress each and every invalid name.

7. The need to consult an original description when writing about a species or recording new information about biology, taxonomy or other matters is clearly not always necessary. A statement (see BZN 54: 251) by the authors of Case 3043 that 'Sprackland's (1991) work must be consulted as the original study giving a full description ...' has no relevance as to what the taxon should be called. Taxonomic revisions and analyses are common in zoology, particularly when the original description may be brief, old or inadequate, but such studies do not give the later authors the right to rename species in violation of well established nomenclatural rules.

8. Suppression of *Odatria keithhornei* Wells & Wellington, 1985 in line with Case 3043 would cause confusion for herpetologists both within and outside Australia. Most now recognise the species as *Varanus keithhornei*, and that it was also formerly known as *V. teriae*. I propose that Case 3043 be rejected.

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Additional references

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