

## EXPLANATORY STATEMENT

### *Environment Protection and Biodiversity Conservation Act 1999*

#### Amendment to the List of Specimens Taken to be Suitable for Live Import in accordance with paragraph 303EC (1) (a)

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

Under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), in general terms, a live specimen is allowed to be imported only if it is included on the list of specimens suitable for live import.

The list was established in accordance with s.303EB of the EPBC Act and has two parts. Part 1 comprises species exempt from the need for an import permit under the EPBC Act. Part 2 comprises species that can be imported with a permit under the EPBC Act.

The effect of this instrument is to add *Indotestudo elongata* (Elongate Tortoise), to Part 2 of the list of specimens suitable for live import with the conditions: eligible non-commercial purpose only, excluding household pets; and high security facilities only.

Including this species in the list will allow the Minister or his delegate to issue permits for the import of live specimens of *I. elongata*. The purpose of importing this species into Australia is for exhibition in zoos.

Amendments to the list of specimens suitable for live import can be made either on the initiative of the Minister or by application. This list amendment was initiated by an application from the Australasian Regional Association of Zoological Parks and Aquaria (ARAZPA) under s.303EE of the EPBC Act.

In determining whether to amend the list of specimens suitable for live import to include *I. elongata*, the Minister considered the outcomes of an assessment report prepared in accordance with s.303EF of the EPBC Act. Copies of the assessment report are available at the following website:  
<http://www.deh.gov.au/biodiversity/trade-use/invitecomment/i-elongat.html>

In accordance with s.303EF of the EPBC Act, the assessment report was published on the Department of the Environment and Heritage website and comments sought. No comments were received.

In accordance with paragraph 303EC(3) other appropriate state, territory and Australian Government ministers, were consulted. In this case, the Department of the Environment and Heritage consulted with all state and territory ministers for the environment and the Australian minister for agriculture, Fisheries and Forestry. Of the eleven comments received, two supported the proposed amendment while the remaining nine had no objection.

The Minister considered that listing with conditions of 'Eligible non-commercial purpose only, excluding household pets, high security facilities only' imposed, the import of these species poses little risk to the Australian environment.

This instrument is a legislative instrument for the purposes of the Legislative Instruments Act 2003.

The instrument will take effect on the first day on which it is no longer liable to be disallowed.