

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 Water Resources)

Under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), 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 *Ophiomyia camarae* (a leaf-mining fly), to Part 1 of the list of specimens suitable for live import. Including this species in the list will allow the import of live specimens of *O. camarae*. The purpose of importing this species into Australia is for biological control of lantana (*Lantana camara*).

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 Queensland Department of Natural Resources and Water under s.303EE of the EPBC Act.

In determining whether to amend the list of specimens suitable for live import to include *O. camarae*, 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.environment.gov.au/biodiversity/trade-use/invitecomment/ophiomyia-camarae.html>

In accordance with s.303EF of the EPBC Act, the assessment report was published on the Department of the Environment and Water Resources website and public 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 Water Resources consulted with all state and territory ministers for the environment and the Australian Minister for Agriculture, Fisheries and Forestry. Of the seven comments received, all supported the proposed amendment or had no objection.

The Minister considered that listing this 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.