

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, Heritage and the Arts)

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 requirement 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 *Chionodraco hamatus* (Icefish), *Gymnodraco acuticeps* (Dragonfish), *Pagetopsis macropterus* (Crocodile Icefish), *Pagothenia borchgrevinki* (Bald Notothen), *Trematomus bernacchii* (Emerald Rockcod), *T. hansonii* (Striped Rockcod), *T. newnesi* (Dusky Notothen), *T. Nicolai* (Spotted Notothen) and *T. pennellii* (Sharp Spined Notothen), to Part 2 of the list of specimens suitable for live import. Including these species in the list will allow the import of live specimens of these species under the specified conditions (Eligible non-commercial purpose only, excluding household pets. High security facilities only.).

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 made to the Minister under s.303EE of the EPBC Act.

In determining whether to amend the list of specimens suitable for live import to include these nine Antarctic fish species, the Minister considered the outcomes of assessment reports prepared in accordance with s.303EF of the EPBC Act. Copies of the assessment reports are available at the following website:
<http://www.environment.gov.au/biodiversity/trade-use/invitecomment/index.html>

In accordance with s.303EF of the EPBC Act, the assessment reports were 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, Water, Heritage and the Arts consulted with all relevant state and territory ministers for the environment, conservation and agriculture, and the Australian Minister for Agriculture, Fisheries and Forestry. Ten comments were received, all of which supported the proposal or had no objection.

The Minister considered that listing these species under the conditions set 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.